

## **EXHIBIT 41**

## **EXHIBIT 41**

9/30/2019

Elon Musk on Twitter: "The holier-than-thou hypocrisy of big media companies who lay claim to the truth, but publish only enough to suga...



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**Elon Musk**  
@elonmusk

The holier-than-thou hypocrisy of big media companies who lay claim to the truth, but publish only enough to sugarcoat the lie, is why the public no longer respects them

**Electrek.Co** @ElectrekCo · May 23, 2018

Tesla (TSLA) could rally as media negativity is 'increasingly immaterial', says Baird  
electrek.co/2018/05/23/tes... by @fredericlambert

Welcome

Twitter just got lots of new  
personalize your color and th  
as well as control your dark m  
now.

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## Relevant people

**Elon Musk**  
@elonmusk**Electrek.Co**  
@ElectrekCo

Following the electric  
industry and green ex  
SolarCity and more.

**Fred Lambert**  
@FredericLambert

Editor-in-Chief at @E  
open for tips or email  
fred@9to5mac.com -  
ideas at zalkon.com

2:25 PM · May 23, 2018 · Twitter for iPhone

11.5K Retweets 48.8K Likes



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**Elon Musk** @elonmusk · May 23, 2018

The media has earned this mistrust. But maybe there is a solution.

255

629

7K

**Molly Jong-Fast** @MollyJongFast · May 23, 2018

Ugh, come on... why you gotta be this way @elonmusk

49

2

179



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**Michelle Stewart** @minerva411 · May 23, 2018

My fav response by far, thank you @jessphoenix2018

**Jess Phoenix**

@jessphoenix2018 · May 23, 2018

Replying to @elonmusk

@SethMacFarlane called, and he wants @TheOrville's Majority Rule  
episode plot back.



3

41



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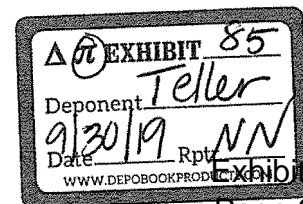
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9/30/2019

Elon Musk on Twitter: "The holier-than-thou hypocrisy of big media companies who lay claim to the truth, but publish only enough to suga..."



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**Michelle Stewart** @minerva411 · May 23, 2018

I know, right! She nailed it

3



6



5 more replies

**WikiLeaks** @wikileaks · May 24, 2018

Replying to @elonmusk

That's why @WikiLeaks publishes full document archives ("scientific journalism" i.e reproducible results) and why CNN responds like this:

**WikiLeaks** @wikileaks · Oct 16, 2016

CNN fastely states that it unlawful for the public--but not for CNN--to search WikiLeaks #PodestaEmails



42



1.8K

**Reson8 the G(ra)i(t)** @Reson8theGrait · May 24, 2018

LMAO see @elonmusk u publish the truth someone will lie and say its illegal to view it anyways. @cnn #Qanon

8



63



## **EXHIBIT 42**

## **EXHIBIT 42**



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**From:** Dave Arnold [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=29DF0A7448F04984910EC59F5077BD85-DAVE ARNOLD]  
**Sent:** 9/4/2018 1:46:44 PM  
**To:** Juleanna Glover [juleanna@ridgelywalsh.com]  
**Subject:** FW: FW: BuzzFeed News: Elon

See below. I'll call you.

**From:** Ben Smith <ben@buzzfeed.com>  
**Sent:** Tuesday, September 4, 2018 1:44 PM  
**To:** Dave Arnold <dwarnold@tesla.com>  
**Subject:** Re: FW: BuzzFeed News: Elon

Hi Dave,

Happy to chat, but you've been doing this long enough to know that you agree to the terms of a conversation in advance.

I'm at 646 369 3687 if you want to give a call right now.

Ben

---  
Ben Smith  
@buzzfeedben  
Signal/cell: 646 369 3687

On Tue, Sep 4, 2018 at 4:41 PM, Dave Arnold <dwarnold@tesla.com> wrote:

Hi Ben --

Do you have a second to chat about this? My understanding is the emails Elon sent that Ryan is referring to below were clearly labeled "Off the Record", yet he is nonetheless intending to publish them. That doesn't seem right.

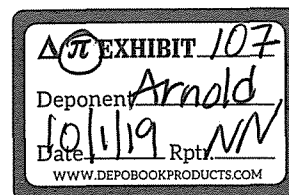
Thanks,

Dave

**From:** Ryan Mac <ryan.mac@buzzfeed.com>  
**Sent:** Tuesday, September 4, 2018 1:04 PM  
**To:** Dave Arnold <dwarnold@tesla.com>  
**Subject:** BuzzFeed News: Elon

Hey Dave,

Hope you had a nice long weekend.



Just wanted to give you a heads up that we're working on a story about Elon and some accusations he made to me about the British diver Vernon Unsworth. Elon emailed me last week with some new accusations that we intend to publish. I wanted to see if Tesla PR had any response to that. In addition, we wanted to pose the following question:

Does Tesla and its board believe that Elon Musk is still the right person to lead the company in the future?

Feel free to ring me if you have any questions.

Thank you,



**Ryan Mac** | BuzzFeed News | Senior Technology Reporter Cell: (949) 315-9364 | Office: (415) 477-1620 |  
@rmac18 | 121 2nd Street, 3rd Floor, San Francisco, CA 94105 |  
<https://www.buzzfeed.com/ryanmac>

**From:** [Google Alerts](#)  
**To:** [Elon Musk](#)  
**Subject:** Google Alert - Elon musk  
**Date:** Sunday, July 15, 2018 7:03:31 PM



## Elon musk

Daily update · July 16, 2018

### NEWS

#### **Elon Musk** just called one of the Thai cave rescuers a pedophile

Vox

While the rest of the world celebrated the rescue of 12 Thai boys and their soccer coach trapped in a cave in northern Thailand this week, **Elon Musk** is ...

**Elon Musk** Calls a Diver That Rescued Thai Soccer Team a 'Pedo' on Twitter - TIME

**Elon Musk** taking heat for calling British diver who aided Thai cave rescue 'pedo' on Twitter - USA TODAY

**Elon Musk** calls British diver in Thai cave rescue a 'pedo' in baseless attack - The Guardian  
[Full Coverage](#)



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#### **Tesla CEO Elon Musk** Donates Nearly \$40K to Republican PAC: Report

NBC Bay Area

Tesla CEO **Elon Musk** reportedly donated nearly \$40,000 to a Republican political action committee, becoming one of their top 50 donors last quarter, ...

**Elon Musk** touts environmental, human rights bonafides in an effort to downplay political donations - CNBC

Hey **Elon Musk** Fans, Don't Take It Personally, He Is Just Playing The Political Game - Forbes

**Elon Musk** Just Gave Almost \$40000 to Republican-Allied Group - Bloomberg  
[Full Coverage](#)



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#### **Elon Musk** opens Tesla Model 3 sales to all. Auto sales experts give 3 reasons consumers may ...

CNBC

The car is **Elon Musk's** attempt to make a mass-market sedan in the price range of consumers not in the luxury-car segment. The electric-car maker ...

**Elon Musk** says the Model 3 represents Tesla's last 'bet the company' initiative - BGR  
[Full Coverage](#)



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[Diver involved in Thai cave rescue slams \*\*Elon Musk's\*\* sub as a PR stunt](#)

Yahoo News

While **Elon Musk's** offer of a submarine to help rescue 12 boys and their soccer coach from a Thailand cave made for interesting news, not everyone is ...



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[SpaceX launch crisis: \*\*Elon Musk\*\* UNLIKELY to send manned crews to ISS in 2019](#)

Express.co.uk

The two rocket companies will most likely not send astronauts into orbit any time soon according to a US Government audit report. SpaceX and Boeing ...



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WEB

[Elon Musk courts new controversy after tweeting, then deleting, an attack on a British cave explorer](#)

MSN.com

**Elon Musk** launched into a blistering Twitter tirade early Sunday against a British explorer who helped spearhead the rescue of a youth soccer team ...



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['A Lot of Hoped-for Automation Was Counterproductive', Remembers \*\*Elon Musk\*\*](#)

Slashdot

Thursday **Elon Musk** gave a surprisingly candid interview about Tesla's massive push to increase production of Model 3 sedans to 5000 a week.



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## Elon musk

Daily update · July 17, 2018

NEWS

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**Tesla falls 2% after British diver mulls legal action over [Elon Musk's](#) baseless 'pedo guy' claim**  
CNBC  
Tesla's stock fell Monday after a British diver involved in the mission to save 12 Thai boys and their soccer coach said he is considering legal action ...

[Elon Musk](#) tweets he'll "bet ya a signed dollar" that Thai cave rescuer is a "pedo" - TechCrunch  
[If You're Calling Someone a 'Pedo' on Twitter, Elon Musk, It's Time to Take a Long, Hard Look at ...](#) - Inc.com

[Elon Musk](#) makes unfounded accusation against Thai cave rescuer - CNNMoney  
[Full Coverage](#)

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**What's Going on With [Elon Musk](#)? How the Happy Billionaire Rocket Scientist Became a ...**  
TIME  
It ought to be fun being [Elon Musk](#). You get to build rockets. You get to build cars. You get to be really, really famous and — not for nothing — really, ...

[Will The Real Elon Musk Please Stand Up](#) - Forbes  
[Should Tesla Actually Fire Elon Musk?](#) - TheStreet.com  
[Is Elon Musk Having a Manic Episode?](#) - Inc.com  
[Full Coverage](#)

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**Will [Elon Musk's](#) antics hurt his businesses?**  
CNNMoney  
Once again, [Elon Musk](#) is in the middle of a controversy of his own making. And he may be testing investors' patience. Over the weekend, the tech ...

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**When Politics Meets Values: [Elon Musk's](#) Climate Change Philanthropy**  
Forbes



**Elon Musk's** record in business is one of a dedication to attacking some of the world's most pressing issues through corporate models. In doing so (and ...

☐☐☐

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**Elon Musk Signed A 350-Year-Old Book With DeepMind's Demis Hassabis**

Forbes

Business magnate **Elon Musk** enters the Heavenly Bodies: Fashion & The Catholic Imagination Costume Institute Gala at The Metropolitan Museum ...

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**How internships helped Elon Musk figure out his future**

CNBC

That was the case for **Elon Musk**. Before he became a billionaire tech mogul, Musk got a taste of professional life as an intern for various employers, ...

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**Elon Musk Calls Key Player in Thai Cave Rescue a 'Pedo'**

Atlantic Broadband

**Elon Musk** reportedly went on a Twitter rant Sunday against a key player in the recent rescue of 12 boys and their soccer coach from a cave in ...


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## Elon musk

Daily update · September 5, 2018

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### Elon Musk Triples Down on Pedophilia Claims Against American Diver in Thailand

Fortune

**Elon Musk** has piled on previous accusations of pedophilia against Vernon Unsworth, an American who has lived for many years in Thailand, and who ...

**Elon Musk** doubles down on personal attack against cave rescuer, calls him 'child rapist' - MarketWatch

**Elon Musk** to 'Pedo Guy: 'IF\*\*king Hope He Sues Me' - Sputnik International

**Elon Musk** tells a reporter to 'stop defending child rapists' as he doubles down on attacking ... - Business Insider

[Full Coverage](#)

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### Elon Musk Shares SpaceX Video of Dragon Leaving the Space Station

Inverse

On Monday, CEO **Elon Musk** shared a video on his personal Twitter page of the craft departing from the International Space Station last month, as part ...

**Elon Musk** Shares SpaceX Video of Dragon Leaving the Build Spot - Newsline

[Full Coverage](#)

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### 70-hour weeks and 'WTF' emails: 42 employees reveal the frenzy of working at Tesla under the 'cult ...

Business Insider Nordic

One weeknight in the spring of 2016, **Elon Musk**, CEO of Tesla, walked the floor of his car factory in Fremont, California. He was not alone. On his arm ...

Paint issues causing Tesla Model 3 bottlenecks, **Elon Musk** admits - Autoweek

Why **Elon Musk** shouldn't worry much about SEC ban - Automotive News

**Elon Musk** works so many hours at Tesla, employees are constantly finding him asleep under ... - SFGate

[Full Coverage](#)

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### [Elon Musk head-butted car in Tesla factory - reports](#)

TimesLIVE

**Elon Musk** apparently got so angry that an assembly line at Tesla Inc.'s electric car factory in California stopped moving when he got close to it that he ...

[Tesla Model 3 Production Target Missed in Spite of Earlier Claims by CEO Elon Musk](#) - News18  
[Full Coverage](#)

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### [Elon Musk Triples Down on Pedophilia Claims Against British Diver in Thailand](#)

Fortune

**Elon Musk** has piled on previous [accusations of pedophilia](#) against Vernon Unsworth, a Briton who has lived for many years in Thailand, and who ...

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### [Elon Musk to skip MOVE, India's clean mobility summit to be kicked off by PM](#)

Moneycontrol.com

**Elon Musk** will not attend MOVE, a first-of-its-kind two-day summit on mobility being organised by Niti Aayog in the national capital. While the ...

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### [You've heard of Elon Musk, but what about his brother? Hear about his ties to Northeast Ohio on ...](#)

Cleveland 19 News

Live video from Cleveland19 News is available on your computer, tablet and smartphone during all local newscasts. When Cleveland19 News is not ...

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### [Matt Levine Dissects Elon Musk's Controversial Tweet](#)

Bloomberg

It's been quite a few weeks for Tesla and its CEO **Elon Musk**. Ever since he tweeted, in early August, that he was taking Tesla private and that funding ...

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### [Why Musk and Tesla Bulls Shouldn't Worry Much About an SEC Ban](#)

Bloomberg

For Tesla Inc. bulls, a bet on the company is very much a bet on **Elon Musk**, which is why investors might be worried about a regulatory probe leading ...



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[Musk renews pedophilia claims against diver in Thai cave rescue](#)

CBS News

**Elon Musk** is apparently renewing his claims that a British diver who assisted in the rescue of a youth soccer team from a Thai cave earlier this year is ...

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## Elon musk

Daily update · September 22, 2018

### NEWS

#### [SpaceX gets into space tourism while the Department of Justice gets into Tesla](#)

The Verge

You may remember Unsworth as the cave diver who **Elon Musk** called a pedo. Musk apologized before doubling down a couple times and essentially ...

[SpaceX Exec Says Company Would Launch A Weapon Into Space In 'Defense Of This Country' -](#)

The Drive

[SpaceX's BFR rocket and spaceship look more real than ever in new 4K renders - Teslarati](#)

[SpaceX's first completed BFR spaceship section spotted in huge Port of LA tent - Teslarati](#)

[Full Coverage](#)



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#### [Tesla and SpaceX's uphill climb and \*\*Elon Musk's\*\* relentless drive captured perfectly in tribute video](#)

Teslarati

**Elon Musk** is a man who never takes the easy way out. From starting SpaceX in 2002 to pursue his dreams of making humans an interplanetary ...

[Tesla Cars Will Soon Get This Huge Feature - Tom's Guide](#)

[Tesla says dash cam feature using car's built-in cameras is coming soon - Digital Trends](#)

[Two Things to Learn From \*\*Elon Musk\*\* Smoking Pot While Attending a Podcast Interview - Market Biz](#)

[Full Coverage](#)



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#### [Three ways \*\*Elon Musk\*\* can stop the wheels coming off Tesla](#)

Toronto Star

**Elon Musk** is one of the most interesting people alive. He is the Howard Hughes of our time, a serial entrepreneur, a trailblazer in several of the ...

[Tesla Slips as Another Executive Reportedly Exits - Barron's](#)

[Full Coverage](#)



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### Billionaire investor says not fair **Elon Musk** 'gets a pass' over bombshell tweets

Fox Business

Billionaire investor Sam Zell can't seem to wrap his head around how Tesla CEO **Elon Musk** wasn't penalized for making a false statement on Twitter ...



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### **Elon Musk** Explains Tesla Model 3 High Safety Score With Ice Skater Analogy

Inverse

CEO **Elon Musk** said on Twitter that its electric car design, with the heavy batteries under the car and an empty front trunk, "helps improve forward ...



Slow-motion crash footage shows a Tesla Model 3 crumpling into walls and being smashed by ... -

Daily Mail

Indian Origin Tesla Model X Owner Escapes Unhurt After Plane Crashes on Electric SUV - News18  
Full Coverage



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### **Elon Musk**, Please Hire Me As An Astronaut For Space X's BFS

Science 2.0

Dear Mr Musk, you should hire me to fly Yusaku Maezawa to the moon and back. Especially if you want to connect to the past and future history of ...



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### How Tesla & **Elon Musk** Inspired Me To Start An Electric Vehicle Company

CleanTechnica

September 20th, 2018 by Guest Contributor. Originally published on EVANNEX. By Michael Schoening, President, CityFreighter Inc. I've followed ...



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### Arianna Huffington says tech can do better, from Uber to **Elon Musk**

CNET

Author and serial startup founder Arianna Huffington is on a mission to make tech healthy again, whether it's helping put Uber's house in order or ...



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### **Elon Musk's** Guide to Tomorrow: How to Fix Earth, and Also Leave It

The New Yorker (satire)

If I don't do something soon, Earth will not have much time left. Climate change, overpopulation, and general human stupidity threaten the very ...

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[Another One Out the Door: Now It's Tesla's Supply Chain Chief Who's Leaving](#)

Fortune

Another Tesla vice president is leaving the company, according to people familiar with the matter, as **Elon Musk** struggles to contain an exodus of ...

[Tesla Loses Another Executive as Supply Management VP Reportedly Resigns](#) - The Drive

[Tesla loses another executive amid continuing exodus](#) - The National

[Tesla loses its VP of supply chain management](#) - Silicon Valley Business Journal

[Full Coverage](#)

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[elon ru ok](#)

Art19

**Elon Musk** is having a bit of a week, a month, a year. Now the Department of Justice is investigating him, as is Today, Explained.

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## Elon musk

Daily update · September 18, 2018

NEWS

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**Elon Musk Is Sued by Cave Explorer He Accused of Being a Pedophile**  
New York Times  
**Elon Musk**, the brash Silicon Valley billionaire, was sued on Monday by a British cave explorer he had accused of being a pedophile after the two ...  
[British cave diver sues Elon Musk for defamation over "pedo guy" tweets](#) - Ars Technica  
[Elon Musk wants to fix your banged-up Tesla in under an hour](#) - CNET  
[Elon Musk vows to fix a Tesla service problem that has been driving customers crazy](#) - Business Insider  
[Full Coverage](#)

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**Watch: Elon Musk reveals the SpaceX mystery moon traveler**  
Vox  
No human being has flown near the moon since December 1972, when the Apollo 17 mission returned to Earth. **Elon Musk**, via his rocket company ...  
[Watch Elon Musk announce SpaceX's first Moon passenger today at 6PM PT](#) - The Verge  
[Live stream: Elon Musk to name first private passenger to fly around moon on SpaceX BFR](#) - USA TODAY  
[Here's a new peek at what SpaceX's forthcoming BFR will look like](#) - Mashable  
[Full Coverage](#)

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**SpaceX founder Elon Musk sued by diver who helped with Thai cave rescue**  
ABC News  
"Elon Musk falsely accused Vern Unsworth of being guilty of heinous crimes. Musk's influence and wealth cannot convert his lies into truth or protect ...  
[Elon Musk sued for libel by British Thai cave rescuer](#) - BBC News  
[Elon Musk sued by Thai-cave rescue volunteer he called a 'child rapist'](#) - Washington Post  
[British diver sues Elon Musk for \\$75000 over 'pedo' claim](#) - The Guardian  
[Full Coverage](#)

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### Elon Musk is about to name the first person to fly around the moon in a giant new SpaceX rocket ship

Markets Insider

The rocket company, founded by **Elon Musk**, will release that passenger's name and more information about the mission this evening. A hint that Musk ...



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### Elon Musk recruits Dogecoin creator to fight cryptocurrency scambots

TNW

We might finally be getting an antidote to Twitter's cryptocurrency scambot virus – thanks to none other than Tesla CEO **Elon Musk**. Determined to stop ...



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### Here's what SpaceX's ship that will fly passengers around the moon will look like

Mashable

Just a few hours before SpaceX reveals the identity of BFR's first private passenger that will fly around the moon, **Elon Musk** tweeted two new images ...



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### Elon Musk Sued for Defamation by Cave Diver Over 'Pedo' Remarks

Gizmodo

In a series of tweets in July, Tesla CEO and SpaceX founder **Elon Musk** referred to a cave diver involved in the rescue of a Thai soccer team as a ...



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### Elon Musk sued by the cave rescue diver he called a 'pedo guy' and 'child rapist'

CNBC

Tesla CEO **Elon Musk** has been sued by the Thai rescue diver he called a "pedo guy" and "child rapist" for libel and slander, according to the lawsuit ...



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### Diver who helped with Thai cave rescue sues Elon Musk

KATC Lafayette News

A British diver who helped rescue youth soccer players trapped in a Thai cave is suing Tesla CEO **Elon Musk**. Vernon Unsworth alleges that Musk ...



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### Elon Musk tweets new spacecraft photos

CNBC

CNBC's Andrew Ross Sorkin reports on **Elon Musk's** latest tweets of SpaceX's newest spaceships. Watch CNBC Live TV ...

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## Elon musk

Daily update - September 9, 2018

### NEWS

#### Analysis: **Elon Musk** is hurting Tesla with his bizarre behavior

CNNMoney

Investors should be focusing on Tesla's growing sales and ambitious plans to reinvent the American automotive world. They should be salivating over ...

'It's the dumbest experiment in human history': **Elon Musk** rails against fossil fuel use and climate ... -

Business Insider

Tesla Stock Takes A Hit — After **Elon Musk** Does The Same - NPR

Tesla's Shares Fall 7% Amid Executive Departures and **Elon Musk's** Smokey Interview - Fortune Full Coverage



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#### **Elon Musk's** latest rant misses the point on sex trafficking in Thailand

Quartz

**Elon Musk** hasn't presented any evidence in claiming the Thai cave rescue diver who criticized him as a PR hound **is a pedophile** linked to sex ...



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#### **Elon Musk** seen smoking weed on podcast

CNBC

**Elon Musk** seen smoking weed on podcast ... CNBC's Andrew Ross Sorkin reports on Tesla CEO **Elon Musk's** appearance on Joe Rogan's podcast, ...



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#### Tesla stock drops after CEO **Elon Musk** takes hit of weed in live interview

NBCNews.com

Tesla stock drops after CEO **Elon Musk** takes hit of weed in live interview. copied! During an interview with comedian Joe Rogan on Thursday, Musk ...



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[Yale professor says \*\*Elon Musk\*\* openly smoking weed on camera shows that Tesla board is ...](#)

CNBC

Jeffrey Sonnenfeld of the Yale School of Management said that **Elon Musk's** decision to smoke weed on Joe Rogan's podcast was a mistake and that ...



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[Elon needs a vacation, not a couple of days at Burning Man, says NYT's Jim Stewart](#)

CNBC

Jim Stewart, Pulitzer Prize-winning New York Times columnist, joins 'Squawk on the Street' to weigh in on the impact of **Elon Musk** being seen ...



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[This imaginative drawing liked by \*\*Elon Musk\*\* reveals just how crazy SpaceX's first missions to Mars ...](#)

Business Insider

**Elon Musk**, the founder of the rocket company SpaceX, has "aspirational" plans to launch people to Mars in 2024 and ultimately colonize the red ...



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[Tesla stocks slide after video released of \*\*Elon Musk\*\* smoking marijuana](#)

ABC News

Tesla stocks tumbled after a video of **Elon Musk** smoking marijuana was released. The video shows Musk smoking and drinking during an interview ...



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[Market analysts are wary of \*\*Elon Musk's\*\* erratic behavior](#)

Axios

Tesla's stock sank close to its lowest point of the year after CEO **Elon Musk** appeared to smoke marijuana in an interview with comedian Joe Rogan, ...



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## Elon musk

Daily update · August 31, 2018

NEWS

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### [Steve Bannon lets rip on 'man child' \*\*Elon Musk\*\*](#)

Business Insider

Former White House Strategist Steve Bannon told CNN that **Elon Musk** and other tech CEOs are "all man childs." Bannon said Musk had an ...


[Tesla CEO \*\*Elon Musk\*\* says the amount of time he spends on Twitter is 'like, almost nothing'](#) - Business Insider

[Twitter's CEO Asked \*\*Elon Musk\*\* to Speak to All of Twitter's Employees. Here's the Truly Surprising ...](#) - Inc.com

[Tesla's HR boss on leave of absence as \*\*Elon Musk\*\* makes waves, report says](#) - CNET

[Full Coverage](#)

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### [The Riveter CEO discusses response to her article about \*\*Elon Musk's\*\* tears](#)

KGO-TV


**Elon Musk's** tears started a national conversation. In an interview with the New York Times, Musk got emotional opening up about his recent struggles ...

[Tesla HR chief takes leave of absence amid Musk tumult](#) - Automotive News

[Jonathan Aberman: \*\*Elon Musk\*\* failed to meet the three principles of investing](#) - WTOP

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### [Tesla and \*\*Elon Musk\*\* had a wild August — Here's how the dramatic month played out](#)

CNBC

Tesla and its headline-stealing CEO **Elon Musk** had a wild August. The month began with the electric car company reporting second-quarter earnings ...


[Warren Buffett Doesn't Think Twitter Has Helped \*\*Elon Musk\*\* Much](#) - Fortune

[Elon Musk Fast Facts](#) - KPAX-TV

[Dry eyes: \*\*Elon Musk\*\* says he shed no tears in interview](#) - Boston.com

[Full Coverage](#)

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### 'Pedo,' 'Private' and 'Pravda': How **Elon Musk's** Twitter Posts Are Getting Tesla in Trouble

Fortune

**Elon Musk** has a lot going on at Tesla. As he attempts to change the course of car manufacturing history, he is also seemingly trying to change the ...

[Why Tesla bondholders never bought \*\*Elon Musk's\*\* 'take private' talk](#) - Financial News

[British diver \*\*Elon Musk\*\* called a 'pedo' is preparing to sue for libel](#) - NEWS.com.au

[Tesla's real problem isn't its shareholders](#) - CNBC

[Full Coverage](#)



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### **Elon Musk** tweets '!' after watching this crazy footage of an airborne Tesla

MarketWatch

Getting a Tesla in the air is no easy task, considering a hefty battery pack is integrated into its chassis to give the electric vehicle a low center of gravity.

[Elon Musk Highlights Tense Video of Tesla Model S Flying Through the Air](#) - Inverse

[Full Coverage](#)



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### Catch up on **Elon Musk's** summer rollercoaster ride

The Architect's Newspaper

**Elon Musk** has had a summer of ups and downs in 2018, even after putting aside all of the twists-and-turns of his personal life and turmoil at Tesla.

[Elon Musk accused of astroturfing after SpaceX employees expressed support for Boring Co. project](#)

- Teslarati

[Full Coverage](#)



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### **Elon Musk** may be getting sued by Thai cave diver he called a 'pedo'

USA TODAY

In a recent Twitter exchange, one user called out Tesla founder **Elon Musk** for calling a British cave diver helping in the Thai cave [rescue a pedophile](#).



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### Warren Buffett's advice for Tesla's **Elon Musk**

Fox Business

Berkshire Hathaway Chairman and CEO Warren Buffett has a word of advice for **Elon Musk**, the embattled Tesla CEO who's currently under ...

[Warren Buffett Talks Apple, Campbell Soup And \*\*Elon Musk\*\*](#) - Benzinga

[Full Coverage](#)

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Tesla and **Elon Musk's** wild August — in nine minutes

CNBC

From earnings to take-private tweets, Tesla and CEO **Elon Musk** took us a wild ride in the month of August. Here's how CNBC covered the ups and ...

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Putin's Financial 'Consigliere' Is Trying to Make **Elon Musk's** Dream Come True

Daily Beast

Between intermittent green wisps of shrubbery in the bare Nevada desert, there is a 1,600-foot-long life size white tube. The structure, propped up from ...

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WEB

Reality Check - **Elon Musk**

Omny.fm

The behavior of billionaire **Elon Musk** on Twitter draws comparisons to a certain US President.

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## Elon musk

Daily update · August 30, 2018

### NEWS

#### Elon Musk revives Thai cave diver 'pedo' incident, says it's 'strange' rescuer hasn't sued

USA TODAY

Another day, another **Elon Musk** Twitter kerfuffle. The Tesla CEO and co-founder resurrected his calling of Vern Unsworth, the British diver who ...

[Elon Musk reignites 'pedo guy' controversy, says it's 'strange' cave diver hasn't sued him - CNBC](#)

[Elon Musk Revives Vern Unsworth 'Pedo' Tweets Amid Concerns Over Erratic Twitter Posts -](#)

Fortune

[A Brief History of Elon Musk's Market-Moving Tweets - WIRED](#)

[Full Coverage](#)



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#### Elon Musk astroturfing? SpaceX employees spoke at Boring Company town hall

CNET

You might have heard that **Elon Musk's** Boring Company wants to dig a short underground tunnel to Los Angeles' Dodgers Stadium. Well, the Boring ...



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#### Dry eyes: Tesla's Musk says he shed no tears in interview

ABC News

**Elon Musk** is denying that he cried during a recent interview with The New York Times in which he described how he'd become overwhelmed by the ...

[Elon Musk in the firing line over Tesla's £8bn debt crisis after his aborted plan to take the electric ... -](#)

This is Money

[Tesla Bonds an Option for Elon Musk to Raise Capital - Nasdaq](#)

[Elon Musk's next move: 5 big challenges facing Tesla - WTHITV.com](#)

[Full Coverage](#)



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#### Elon Musk, it's time to quit Twitter, bruh

Los Angeles Times

By his own admission, he's spending 120 hours a week at the office. He says his physical health and personal relationships have suffered. And yet, he ...

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Elon Musk's Employees Posed as Ordinary Citizens at His Dodger Stadium Community Meeting

Sports Illustrated

A small number of Los Angeles residents showed up at Dodger Stadium on Tuesday night for a public hearing about billionaire futurist **Elon Musk's** ...

Hardly anyone showed up for the first public hearing on **Elon Musk's** Dodger Stadium tunnel - Curbed LA

Full Coverage

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Elon Musk should shut up on social media but shouldn't be inauthentic, says PR expert

CNBC

Marvet Britto, The Britto Agency CEO, discuss the issues for executives on social media as high-profile CEOs like Tesla's **Elon Musk** have had public ...

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## Elon musk

Daily update · August 29, 2018

### NEWS

#### [How \*\*Elon Musk's\*\* cold calls to rocket scientists helped kickstart SpaceX](#)

CNBC

Seventeen years ago, **Elon Musk** knew little about rockets, Mars or space technology. But he did have passion, curiosity and a cell phone. So, he ...

[It's Time for Apple to Buy Tesla and Kick \*\*Elon Musk\*\* to the Curb - Barron's](#)  
[Full Coverage](#)



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#### [Keeping Tesla Public Won't Save \*\*Elon Musk\*\* From the SEC—or Angry Investors](#)

WIRED

Two weeks after announcing he was looking to take the company private, CEO **Elon Musk** published a blog post saying that after speaking to advisers ...

[Do These Five Things And Avoid What Happened To \*\*Elon Musk\*\* - Forbes](#)

[Elon Musk was right to drop his bungled plan to take Tesla private - The Conversation US](#)

[Elon Musk's next move: 5 big challenges facing Tesla - WFMZ Allentown](#)  
[Full Coverage](#)



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#### [Elon Musk Is Doubling Down on the Pedo Thing](#)

Jalopnik

Less than a week after Tesla CEO **Elon Musk** announced that no, he in fact would NOT be taking Tesla private because the funding was not quite as ...

[Elon Musk: I never cried in New York Times interview - CNNMoney](#)

[Elon Musk renews attacks on British cave diver \*\*he once called 'pedo'\*\* - NBCNews.com](#)

[Elon Musk's Public Reckoning - Wall Street Journal](#)  
[Full Coverage](#)



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#### [Azealia Banks now feels bad about sharing \*\*Elon Musk's\*\* secrets](#)

The Mercury News

Maybe the usually belligerent rapper Azealia Banks has genuinely taken pity on Tesla CEO **Elon Musk**, who reportedly went into meltdown mode in ...

[Azealia Banks Apologizes to \*\*Elon Musk\*\*](#) - Papermag

[Azealia Banks Doesn't Want to Talk About \*\*Elon Musk\*\* Anymore](#) - Rolling Stone  
[Full Coverage](#)



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### [A non-profit is suing the city of Chicago over its proposed Hyperloop deal](#)

Business Insider

... failing to release documents pertaining to the city's agreement with **Elon Musk's** The Boring Company over a planned hyper-loop tunnel project.



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### [Elon Musk's brother to open Next Door 'urban-casual' eatery in Pinecrest development](#)

cleveland.com

If his name sounds familiar, think cars not food: Musk, 45, is the brother of Tesla co-founder **Elon Musk**. Construction is under way in the location - now ...



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### [Elon Musk needs a number two to help run Tesla: Experts](#)

CNBC

Jim Press, former Chrysler president, and Willie Pietersen, Columbia business professor, discuss **Elon Musk** hiring a COO to help operate the ...



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### [Elon Musk's Dugout Loop To Take Fans To Dodger Stadium In Minutes](#)

CBS Los Angeles

ELYSIAN PARK (CBSLA) – Imagine getting from Hollywood to Dodger Stadium in a mere four minutes. That's the proposal from **Elon Musk's** Boring ...



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### [Elon Musk renews attack on British caver he accused of being a paedophile](#)

Telegraph.co.uk

Elon Musk has renewed his attack on the British caver involved in last month's rescue of a group of young Thai footballers, whom he had previously ...



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Elon Musk's Big Transit Plans Are Precedent-Setting

GlobeSt.com

Elon Musk can never quite live up to his company's name. The Boring Co. has announced preliminary plans to build an underground high-speed ...

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WEB

Q&A: Elon Musk, Tesla and the Saudi connection

Wheels24

For the company's investors, Tesla's CEO Elon Musk is a visionary whose electric car is giving us a glimpse into the future that successfully integrates ...

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As Long as Elon Musk Is Running Tesla, the Stock Has to Come Down

RealMoney Pro - TheStreet

Elon Musk moving past notions of privatization presents an interesting situation for Tesla (TSLA) . Personally, I think the incident as a whole displayed ...

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## Elon musk

Daily update · August 13, 2018

NEWS

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**Elon Musk** says he'll offer 'short shorts' as Tesla merchandise, in a new dig at stock's bearish ...

CNBC

Soon, they will also be able to buy Tesla "short shorts," according to a tweet from Tesla CEO **Elon Musk**, in his seemingly never-ending war of words ...

[Two lawsuits accuse \*\*Elon Musk\*\* of false statements to boost Tesla share price - CNNMoney](#)  
[How \*\*Elon Musk\*\* Could Use Crypto to Take Tesla Private - Fortune](#)  
[Elon Musk, the new king of debt - The Outline](#)  
[Full Coverage](#)

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**Tesla, Elon Musk** facing lawsuits over tweets to take company private

USA TODAY

Tesla and its CEO, **Elon Musk**, face a pair of class action lawsuits claiming the billionaire violated federal securities law through tweets suggesting a ...

[Who Will Fund \*\*Elon Musk's\*\* Tesla Takeover? It Could Be Saudi Arabia - TIME](#)  
[Was \*\*Elon Musk's\*\* Tesla Buyout Tweet a Bluff After All? - Yahoo Finance](#)  
[Elon Musk sparks fury privatising Tesla 'on the CHEAP' after Twitter announcement - Express.co.uk](#)  
[Full Coverage](#)

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**Elon Musk's** family tree explained

CNBC

**Elon Musk** may be transforming everything from power to space travel, but Elon isn't the only entrepreneur in his family tree. Here's a look at the rest of ...

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**Azealia Banks** Currently "At **Elon Musk's** House Alone For Days Waiting For Grimes"

Stereogum

"Literally been sitting at **Elon Musk's** house alone for days waiting for Grimes to show up and start

these sessions," Azealia Banks wrote on her ...



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### Elon Musk's "pedo" comment reveals true motives

The Gateway

During these events, tech billionaire **Elon Musk**—well known for his eccentric online personality—announced that he was sending his engineers to ...



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### This Week in the Future of Cars: Show Me the Money

WIRED

There's the **Elon Musk** kind of gambling, and then there's the actual kind of gambling, with slot machines and cards. And cheating at that gambling.



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### Tesla Reveals Model 3 Performance Test After **Elon Musk's** DefCon Talk

Inverse

Video of the Tesla Model 3 Performance Edition came a day after company CEO **Elon Musk** attended the DefCon Hacking Conference in Las Vegas ...



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### VIDEO: Forget a CAR, UBER Or **Elon Musk's** HYPERLOOP! Look At What THESE Idiots In NYC ...

AutoSpies.com

Tag Links: #nyc, #queens, #subway, #brooklyn, #subwaysurfing, #trainsurfing, #surfing, #mta, #traindelay, #stunts, #newyork, #trump, #russia, #putin, ...



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### Artwork that's out of this world: US artist to launch huge sculpture diamond-shaped sculpture the ...

Daily Mail

Named, the Orbital Reflector, the installation is the length of a football field and will be launched on one of **Elon Musk's** SpaceX Falcon 9 rockets.




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### Lawsuits Accuse **Elon Musk** Falsifying Statements To Boost Tesla Stock


CBS Philly

Lawsuits Accuse **Elon Musk** Falsifying Statements To Boost Tesla Stock So far, there has been no comments from Tesla on the lawsuits. Animal Lovers ...

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## Elon musk

Daily update · July 21, 2018

NEWS

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**Beyond [Elon Musk's](#) Drama, Tesla's Cars Are Thrilling Drivers**

WIRED

German engineers concluded the car cost about \$28,000 to build (unsurprisingly, **Elon Musk** took to Twitter to call it "the best analysis of the Model 3 to ...

**[Elon Musk](#) Responds Hours After Analyst Report Citing Model 3 Cancellations Hits Tesla Stock** - Fortune

Tesla had over 7000 new orders (5000 Model 3's and 2000 S/X) last week, says **Elon Musk** - Electrek

Tesla Model 3: **[Elon Musk](#) Slams Analyst 'BS' And Reveals Latest Order Stats** - Yahoo News

[Full Coverage](#)

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**Tech analyst: We want people to see the real [Elon Musk](#)**

CNNMoney

"The public perception of **Elon Musk** more recently is he is thin-skinned and short-tempered," said tech analyst Gene Munster in an interview with ...

Why **Elon Musk** isn't the hero we imagined - Engadget

Analysis: **Elon Musk** and the forces of 'cognitive tribalism' - The Mercury News

**Elon Musk 'Should Be Shot,' Says Mother of British Diver the Billionaire Called 'Pedo'** - Newsweek

[Full Coverage](#)

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**[Elon Musk](#), Google's DeepMind co-founders promise never to make killer robots**

CNBC

Tesla and SpaceX billionaire **Elon Musk** and all three of the co-founders of Google's DeepMind are among the thousands of individuals and almost ...

**[Fears killer robot armies threaten world peace as \[Elon Musk\]\(#\) and tech giants vow to stop them](#)** - The Sun

[Full Coverage](#)

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**Who Should Play **Elon Musk** in All Six Thai Cave Rescue Movies?**

Vanity Fair

Just one day after a youth soccer team was rescued from a cave in Thailand, Hollywood sprang into action: Pure Flix C.E.O. and co-founder Michael ...

Six Picks to Play **Elon Musk** in the Six Thai Cave Rescue Movies Already in the Works - Gizmodo Full Coverage



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**Elon Musk PLEDGES not to manufacture 'disgusting' KILLER ROBOTS**

Express.co.uk

Demis Hassabis at Google DeepMind and founder of SpaceX, **Elon Musk**, are among 2,400 people who signed the pledge which aims to discourage ...



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**Elon Musk gives tips to optimize Tesla Model 3 Performance, teases 0-60 mph in 3.3 seconds**

Teslarati

**Elon Musk** recently gave some tips for would-be owners of the Model 3 Performance — in order to fully optimize the electric car's capabilities and ...



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**Trump, Musk and the art of the non-apology**

CNN

Which brings us neatly to the other example this week: **Elon Musk**, the online entrepreneur and founder of Tesla, who casually flung an accusation of ...



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**Dr. D's column: **Elon Musk** wants to know how to stop the criticism**

Economic Times

Dr. D's column: **Elon Musk** wants to know how to stop the criticism ... To Err Is Human: **Elon Musk** And Other Famous People Who Messed Up O... of 4.



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**If Tesla's brand is harmed in a material way, it's 'over': Expert**

CNBC

Roger McNamee, Elevation Partners co-founder, discusses what impact **Elon Musk's** recent antics could have on Tesla's stock price and brand.



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[Flint mayor plans 'effective investment' with \*\*Elon Musk\*\* for recovery](#)

MLive.com

FLINT, MI - **Elon Musk** and his team have been in touch with Flint Mayor Karen Weaver, and the two are talking about potential opportunities for Musk ...



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From: James Gleeson  
Sent: Tue 7/17/2018 12:49 PM (GMT-07:00)  
To: Eva Behrend; Sean Pitt  
Cc:  
Bcc:  
Subject: FW: Additional Tweet Coverage

**From:** Erica Chen <echen@tesla.com>  
**Sent:** Tuesday, July 17, 2018 3:47 PM  
**To:** Sarah O'Brien <sobrien@tesla.com>; Extranet Contact - Sam Teller (Tesla) <steller@tesla.com>; Extranet Contact - todd@tesla.com <todd@tesla.com>; Dave Arnold <dwarnold@tesla.com>; James Gleeson <James.Gleeson@spacex.com>  
**Subject:** Re: Additional Tweet Coverage

The Guardian reports, "Musk and Tesla have gone silent since he deleted the tweets, ignoring repeated requests for comment since Sunday. Some shareholders, however, are speaking up."

James Anderson of Baillie Gifford, Tesla's fourth-largest shareholder, told the Guardian that he agrees with some of Elon's past remarks calling out critical analysts, "but this is different. We are in contact with the company and we are hopeful that it is being taken with due seriousness." He said he would like to see "peace, quiet and execution" at Tesla.

Gene Munster believes "it has to start with an apology." Loop Ventures published [an open letter to Elon](#) on behalf of investors, saying the comments to Unsworth "crossed the line" and calling for an apology. "Over the last 6 months, there have been too many examples of concerning behavior that is shaking investor confidence," the letter said.

The Guardian, [Tesla investors demand Elon Musk apologize for calling Thailand diver 'pedo'](#)

**From:** Erica Chen <echen@tesla.com>  
**Date:** Tuesday, July 17, 2018 at 9:29 AM  
**To:** Sarah O'Brien <sobrien@tesla.com>, Sam Teller <steller@tesla.com>, Todd Maron <todd@tesla.com>, Dave Arnold <dwarnold@tesla.com>, James Gleeson <James.Gleeson@spacex.com>  
**Subject:** Re: Additional Tweet Coverage

This news cycle has now spread to major news media in all European markets. The Guardian says, "Even jokingly accusing someone of sexually abusing children isn't witty or clever. You grow out of these baseless, ridiculous epithets, don't you?" In Germany, Handelsblatt thinks "the cave drama in Thailand is finally a PR disaster for the EV pioneer," as "even many of his 22 million fans on Twitter have no sympathy for the insults." Spanish lifestyle magazine S Moda publishes the headline, "Rise and fall of Elon Musk, from iconoclast to hated tyrant like Trump," a comparison that other media also make. In Switzerland and France, media including Le Point and Romandie quote ETA analyst Roger Kay and write that "this is the most harmful branding thing Elon Musk has ever done." Ouest-France adds, "The



beautiful rescue of the Thai children is now tarnished by this controversy,” while Dutch outlet Das Kapital suggests, “If this was an attempt to deflect the attention from the other issue, of Elon Musk donating to Republicans, then it has succeeded wonderfully.”

#### UK

BBC, [British cave diver mulls legal action against Elon Musk after tycoon brands him 'paedo'](#)

BBC, [British caver 'could sue' Elon Musk over Twitter attack](#)

The Guardian, [The Guardian view on Elon Musk: a billionaire in need of humility: Editorial](#)

The Guardian, [Elon Musk calls British diver in Thai cave rescue 'pedo' in baseless attack](#)

The Guardian, [I know Elon Musk does good, but he's still a bonehead](#)

The Times, [British caver Vern Unsworth considers suing Elon Musk over paedophile slur](#)

The Times, [Space pioneer Musk cannot defy gravity](#)

The Times, [Thai boys' rescuer Vern Unsworth could sue Elon Musk over paedophile smear](#)

Financial Times, [Teamwork in Thailand triumphs over solo ego](#)

Financial Times, [Just how many dimensions of chess is Elon Musk playing?](#)

Financial Times, [Elon Musk attacks Thai cave rescuer in angry tweet](#)

The Telegraph, [How Elon Musk went from tech superhero to internet villain](#)

City A.M., [Tesla shares sink nearly three per cent after Musk calls British caver 'pedo guy' on Twitter](#)

City A.M., [Tesla boss Elon Musk could face legal action after Thai cave rescuer 'pedo' comments](#)

The Sun, [HIGHLY CHARGED Elon Musk's 'paedo' outburst at hero Brit caver wipes \\$2bn off Tesla shares as he face investor backlash](#)

The Sun, [Brit cave hero who saved trapped Thai children threatens to sue Elon Musk for calling him 'a paedo' in vile Twitter rant](#)

ITV News, [UK cave rescuer may sue Elon Musk after 'paedo' tweet | ITV News \(YouTube\)](#)

IB Times, [Elon Musk Calls British Diver Who Helped Thai Schoolboys A 'Pedo Guy' In Twitter Outburst \(YouTube\)](#)

Daily Mail, [Elon Musk's monstrous attack on one of the British heroes of the Thai cave rescue may have shredded his reputation with a single tweet](#)

Daily Mail, ['This ain't finished': British diver who helped save Thai cave boys says he may SUE Elon Musk after the US billionaire labelled him a 'pedo' in extraordinary Twitter rant](#)

Daily Mail, [Elon Musk calls hero diver a 'pedo' and questions if he was even part of Thai cave rescue in extraordinary rant after the caver dismissed the billionaire's mini-submarine rescue plan](#)

Daily Mail, [Tesla stock PLUMMETS after Elon Musk called British diver who rescued Thai soccer team a 'pedo' and was unmasked as a top donor to a Republican PAC](#)

The Daily Star, [Diver could sue Elon Musk: Tycoon in 'pedo' blast at rescuer](#)

JOE, [Thailand diver could take legal action over Elon Musk's "pedo" remark](#)

Buzz.ie, [Thailand rescue diver could sue Elon Musk for calling him a 'pedo'](#)

Independent, [Thailand cave rescuer considers legal action against billionaire Elon Musk after 'pedo' tweet](#)

Independent, [ELON MUSK HIT BY BARRAGE OF CRITICISM AFTER LATEST THAI CAVE RESCUE TWEET](#)

Evening Standard, [Who is Elon Musk? What is his net worth? Who is his girlfriend Grimes and what is Tesla?](#)

Express, [Elon Musk net worth: How much is Elon Musk worth? How much does he earn from Tesla?](#)

Express, [British cave rescuer planning to SUE Elon Musk after billionaire brands him 'pedo guy'](#)

Metro, [Elon Musk can 'stick his submarine where it hurts' says hero who saved Thai cave boys](#)

Mirror, [Hero British diver may sue Elon Musk for calling him 'PEDO GUY' on Twitter after Thailand cave rescue criticism](#)



**Germany**

Zeit online, [The lion and the cave](#)  
 Spiegel, [Elon Musk insults cave diver](#)  
 Spiegel, ["With one foot in hell"](#)  
 Handelsblatt, [Elon Musk - Lost in the cave drama](#)  
 Handelsblatt, [Elon Musk denounces acclaimed British cave diver as a pedophile](#)  
 Die Welt, [Elon Musk insults cave diver](#)  
 Focus, [That insulting gets Elon Musk towards cave diver](#)  
 F.A.Z., [Musk insults cave diver](#)  
 Manager magazin, [Cave Diver is considering lawsuit against Musk for insult](#)  
 Stern, [Musk insults cave diver as pedo](#)  
 n-tv, "Pedo Guy" - [Musk denounces cave rescuer in Thailand](#)  
 t-online, [Lawsuit for insult threatens - Elon Musk calls Rescue Diver a pedophile](#)  
 Computer Bild, [Cave drama in Thailand: Elon Musk freaks out on Twitter!](#)  
 Chip, [Scandal over Tesla boss Elon Musk: bitter insult after rescue operation in Thailand](#)  
 Hamburger Abendblatt, [Elon Musk describes diver in Thailand as pedophile](#)  
 Frankfurter Rundschau, [Cave diver is considering lawsuit against Elon Musk](#)  
 Kölnische Rundschau, [Billionaire Elon Musk insults cave diver](#)  
 Main Post, [Musk insults cave diver](#)  
 Abendzeitung München, [Musk insults cave diver](#)  
 Augsburger Allgemeine, [Cave Rescue Drama: Elon Musk insults Cave Diver on Twitter](#)  
 Stuttgarter Zeitung, [Musk insults cave diver](#)  
 Rheinische Post, [Cave rescuer from Thailand wants to sue Elon Musk](#)  
 Die Harke, [Musk insults cave diver](#)  
 SWR3, [Musk insults cave diver](#)  
 Heise, [Elon Musk: bizarre quarrel with British cave rescuer](#)  
 GQ Magazine, [After criticism: Elon Musk gets insulting against a cave rescuer](#)  
 Noizz, [Elon Musk insults rescue diver as pedophile](#)  
 Vice, [Elon Musk has referred to one of Thailand's rescue divers as a "pedo"](#)  
 Autohaus, [Tesla CEO insults British diver](#)  
 Autokiste, [Musk calls British diver a pedo](#)  
 Ngin Mobility, [The thin-skinned Elon Musk](#)  
 Motor-Talk, [Elon Musk insults cave diver on twitter](#)  
 Automobil Produktion, [Elon Musk has an angry fight with British cave diver](#)  
 Auto Medienportal, [Tesla, Twitter and "Pedo": The fail of Elon Musk](#)  
 Automobilwoche, [Tesla founder loses temper on Twitter: Elon Musk gets into angry fight with British cave diver](#)  
 t-online, [Elon Musk refers to rescue diver as pedophile](#)  
 NWZ, [Bad dispute overshadows happy end](#)  
 PNP, [Ugly retaliation surrounding the cave drama](#)  
 Rheinische Post, [Cave diver starts fight with Musk](#)  
 OVB online, [Speleologist is considering lawsuit against Elon Musk](#)  
 wallstreet online, [Tweet shows dark side of Elon Musk](#)  
 Wired, [Musk's tweets will have consequences](#)  
 W & V, [Cave rescue becomes a PR disaster for Elon Musk](#)  
 Sputnik News, [Reaching a limit: How Elon Musk ruins his image](#)

**France**



Le Point, [Tesla: Elon Musk's escapades begin to worry](#)  
 Les Echos, [Elon Musk gets carried away, Tesla stock fall](#)  
 Europe 1, [Tesla shares vacillate after a new Elon Musk controversy](#)  
 JDD, [Thai, Twitter and pedophilia: SpaceX and Tesla's boss Elon Musk slips again](#)  
 Capital, [Elon Musk escapades: Tesla shares fall](#)  
 Les Numériques, [Elon Musk's escapade penalizes Tesla shares](#)  
 Le Figaro, [Annoyed by criticisms, Elon Musk insults a rescuer from the Thai cave](#)  
 Ouest France, [Thai cave rescue: Elon Musk insults a rescuer of Pedophile](#)  
 Siècle Digital, ["Pedo guy": when Elon lashes out \(again\) on Twitter](#)  
 Numérama, [Annoyed by a rescuer, Elon Musk lashes out again on Twitter](#)  
 Libération, [Children survivors in Thailand: Elon Musk creates a controversy by treating a speleologist of "pedophile"](#)  
 La Repubblica, [Elon Musk insults the rescuer of the Thai boys: "Pedophile"](#)  
 Wired, [Why is Elon Musk arguing with the rescuers of the boys in Thailand](#)

### **The Netherlands and Belgium**

NU, [Tesla share price drops after Twitter fight Elon Musk about small submarine](#)  
 AD, [Elon Musk calls diver of Thai cave 'pedo' after criticism of unusable submarine](#)  
 AD, [Elon Musk calls rescuer Thai soccer players a pedo](#)  
 Trouw, [Tesla boss Elon Musk scolds diver on Twitter](#)  
 Bright, ['Elon Musk needs guidance'](#)  
 HLN, [Tesla's share price drop after Elon Musk calls British diver "pedophile"](#)  
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 Nordjyske (DK), Tesla stock is falling after Elon Musk's "pedophile" tweets  
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 Futurezone (AT), ["Just a PR gag": Rescue diver criticizes Musk's mini-submarine](#)

**From:** Erica Chen <[echen@tesla.com](mailto:echen@tesla.com)>

**Date:** Tuesday, July 17, 2018 at 9:03 AM

**To:** Sarah O'Brien <[sobrien@tesla.com](mailto:sobrien@tesla.com)>, Sam Teller <[steller@tesla.com](mailto:steller@tesla.com)>, Todd Maron <[todd@tesla.com](mailto:todd@tesla.com)>, Dave Arnold <[dwarnold@tesla.com](mailto:dwarnold@tesla.com)>, James Gleeson <[James.Gleeson@spacex.com](mailto:James.Gleeson@spacex.com)>

**Subject:** Re: Additional Tweet Coverage



Vern Unsworth told Reuters, "I've been approached by British lawyers, American lawyers. I haven't decided what to do next yet."

"I can't let it go. There's too much out there already," Unsworth said. Asked which law firm he would hire, he responded, "I don't know yet. I have to take advice." Unsworth declined to identify who had approached him.

"It's taken a bit of the pleasure out of what's happened, what we've achieved, for me anyway," he said, adding that it had upset his family in Britain. "It's very much upset my daughter."

Tesla spokespeople did not immediately respond to requests for comment. Musk could not be reached for comment.

Reuters, [British Caver Says He Approached by U.S., British Lawyers Over Musk's Comments](#)

**New coverage since last night:**

Fortune, [After Elon Musk's 'Pedo' Tweet, Tesla Shares Fall 4% as Some Investors Worry About His Erratic Behavior](#)

LA Times, [Elon Musk is at war with everyone from regulators to stock analysts to a Thai child rescuer](#)

Esquire, [Unsurprisingly, Tesla Shares Fall After Elon Musk Calls Cave Rescuer A "Pedo" In Tweet](#)

Jalopnik, [The 'Pedo' Thing Has Tesla Investors Pissed](#)

Newsweek, [TESLA STOCK: WHAT HAPPENED TO SHARE PRICE AFTER DIP FOLLOWING ELON MUSK'S TWITTER FIGHTS, 'PEDO GUY' POST](#)

Newsmax, [Elon Musk's Social Media Conduct May Be Bad for His Tesla Business](#)

**From:** Erica Chen <[echen@tesla.com](mailto:echen@tesla.com)>

**Date:** Monday, July 16, 2018 at 4:33 PM

**To:** Sarah O'Brien <[sobrien@tesla.com](mailto:sobrien@tesla.com)>, Sam Teller <[steller@tesla.com](mailto:steller@tesla.com)>, Todd Maron <[todd@tesla.com](mailto:todd@tesla.com)>, Dave Arnold <[dwarnold@tesla.com](mailto:dwarnold@tesla.com)>, James Gleeson <[James.Gleeson@spacex.com](mailto:James.Gleeson@spacex.com)>

**Subject:** Re: Additional Tweet Coverage

Associated Press reports Elon "has fought back, often around the clock on Twitter," but he "may have gone one tweet too far." Jalopnik wonders, "How can someone be so accomplished, so successful, so adored by so many people and yet still be so wildly, uncontrollably insecure that any amount of entirely reasonable criticism triggers a response like this?"

Representatives of T. Rowe Price, Fidelity Investments and Baillie Gifford — Tesla's three largest shareholders — declined to comment. Gene Munster said the tweets raised questions about Elon's distractibility and "maturity," adding, "This crossed a line, and it needs to stop." Gordon Johnson, the managing director of investment research firm Vertical Group, said, "This thing is unraveling," adding, "You had a very big shareholder last week say they want him to focus on executing and stop with the tweets — and then, this weekend, you get more tweets. What's his angle? What is he doing? ... He keeps promising all of these things, and he keeps missing, and he's not being held to task."



AP also mentions, "For the first four months of the year, Musk was averaging around 100 tweets per month. But the tweets spiked to about 400 per month starting in May as Musk was under pressure to raise production of the Model 3."

Associated Press, [Elon Musk's Social Media Conduct May Be Bad for His Business](#)

Bloomberg TV, [Musk's Twitter Controversy](#)

The Washington Post, [Elon Musk's "pedo" attack rattles Tesla investors: "This thing is unraveling"](#)

MarketWatch, [Tesla shares, at lowest in six weeks, fall further in late trading](#)

Business Insider, [Tesla slides after an eventful weekend for Elon Musk](#)

Fast Company, [Elon Musk accuses Thai cave rescue diver of being a pedophile](#)

SF Chronicle, [Elon Musk's "pedo guy" cave tweet could hurt Tesla](#)

The Mercury News, [Has Elon Musk gone too far with tweet about Thai cave rescue diver?](#)

Jalopnik, [Now We Know For Sure: Elon Sucks Like All These Jackasses Suck](#)

The Daily Beast, [Elon Musk Joins the Fringe Right in Calling His Foe a 'Pedo'](#)

Futurism, [Electric Cars Are Too Important For Elon Musk to Put at Risk](#)

**From:** Sarah O'Brien <sobrien@tesla.com>

**Date:** Monday, July 16, 2018 at 1:21 PM

**To:** Sam Teller <steller@tesla.com>, Todd Maron <todd@tesla.com>, Dave Arnold <dwarnold@tesla.com>, James Gleeson <James.Gleeson@spacex.com>

**Cc:** Erica Chen <echen@tesla.com>

**Subject:** Additional Tweet Coverage

FYI: Media continue to cover E's tweet, with some stories mentioning that the "outburst" comes "just a week after he said in a Bloomberg interview that he would try to be less combative on Twitter." Reuters notes that a number of investors and analysts believe his comments are adding to their concerns that he's distracted from Tesla's main business. James Anderson of Baillie Gifford called the events "a regrettable instance" and said he had reiterated to Tesla the need for "peace and execution" of its core business. GQ comments, "If Musk can't have the credit, he'll make damn sure the other guy doesn't get it, either," while Mashable suggests, "Here's an easy PR strategy: Never tweet. It's not worth it."

In an opinion piece, Reuters says "firing him for his 'pedo guy' tweet could precipitate a crisis of confidence among investors. Unlike the eventual ouster of Travis Kalanick at privately held Uber, for a capital-hungry public company that might prove terminal. Directors could consider stripping him of either the chairman or chief executive title. Or they could dock his compensation." The piece adds, "At the very least the board should require him to apologize and perhaps swear off Twitter. To do nothing would send a worrying message: that directors are unwilling or unable to rein in Musk's more troubling traits."

KBB analyst Rebecca Lindland believes his comments could hurt sales and ultimately anger investors. "When you're looking to expand the appeal of your product beyond innovators themselves, beyond early adopters ... you've got to be careful," she said, "You've got to start acting like a CEO."

Reuters, [Tesla shares fall 3.5 percent after CEO Musk abuses British diver](#)

Reuters BreakingViews, [Libel risk](#)

Financial Times, [Teamwork in Thailand triumphs over solo ego](#) [full text below]



NY Daily News, [Elon Musk tries to help, but does not always succeed](#)  
 CNN, [Will Elon Musk's antics hurt his businesses?](#)  
 CNN, [Elon Musk makes unfounded accusation against Thai cave rescuer](#)  
 Fortune, [Elon Musk Spins Out of Control](#)  
 The Onion, [Elon Musk Insists He'd Be Much More Innovative Pedophile Than Thailand Rescue Worker](#)  
 Business Insider, [Elon Musk is at the center of an astonishing number of bizarre news stories and public feuds — here are all of the Tesla CEO's unusual recent moments in the spotlight](#)  
 Forbes, [Will The Real Elon Musk Please Stand Up](#)  
 GQ, [Elon Musk Suddenly Incapable of Not Looking Like an Ass in Public](#)  
 Ars Technica, [Elon Musk could face lawsuit for calling cave rescuer a "pedo guy"](#)  
 Mashable, [British rescuer threatens to sue Elon Musk following 'pedo guy' tweet](#)  
 The Huffington Post, [Elon Musk Lashes Out At Thai Cave Rescuer, Baselessly Calls Him A 'Pedo Guy'](#)  
 MarketWatch, [Tesla shares at worst in six weeks, at bottom of Nasdaq 100](#)  
 TheStreet, [Should Tesla Actually Fire Elon Musk?](#)  
 The Motley Fool, [Why Shares of Tesla Rose 10% in the First Half of 2018](#)  
 Newsweek, [JUSTINE MUSK'S ESSAY ON MARRIAGE TO ELON RESURFACES AMID 'PEDO' TWEET CONTROVERSY](#)  
 Inc, [Does Elon Musk Need a Vacation?](#)  
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 The Guardian, [The Guardian view on Elon Musk: a billionaire in need of humility](#)  
 The Guardian, [Elon Musk calls British diver in Thai cave rescue 'pedo' in baseless attack](#)

Financial Times, [Teamwork in Thailand triumphs over solo ego](#)

*Elon Musk plays an understudy role in underwater cave rescue*

In a year dominated by geopolitical gloom, there has been one unabashed moment of celebration. The rescue of 12 Thai boys and their football coach from a deep underwater cave was a global triumph. It was an act of engineering and strategic brilliance. The international divers acted selflessly in lethal circumstances where success was by no means guaranteed. Leaders and citizens across the world have lauded their achievement.

Nearly everyone, that is, except Elon Musk. The tech entrepreneur and chief executive of Tesla inserted himself into the crisis by offering a “mini-submarine” he had constructed to save the children. The experts deemed his solution inappropriate. Vern Unsworth, one of the British divers behind the rescue, decried Mr Musk’s efforts as a “PR stunt” that had “absolutely no chance of working”. Despite his billions and an army of 22m Twitter followers, Mr Musk was overruled by the experts.

He did not take well to being told to go away. Over the weekend, Mr Musk tweeted that Mr Unsworth (who is threatening to sue for libel in return) was a “pedo guy” and pledged to take his pod to the cave anyway to prove he was right. His desire to come out on top of this argument speaks to the feral instincts of his natural Silicon Valley home, where the winner frequently takes all. In technology, human lives tend not to be directly at stake. Such an emergency calls for imagination, flexibility and timeliness — not grandstanding and the worst of tech’s “move fast and break things” ethos.



By defaming Mr Unsworth, widely celebrated as a hero, Mr Musk has revealed a less appealing side to his character that should not escape the attention of investors. Such personal insults suggest he had at least one eye on enhancing his own reputation through this crisis.

This dispute represents two different worlds colliding. The rescue operation was a team effort; the divers who rescued the boys brought expertise from Australia, Scandinavia, Belgium and the US. They worked tirelessly together towards a common goal.

The rescue team is proof of the advantages in having expertise in a specific field. The divers and rescue specialists knew what had to be done to save the boys and set about it methodically. Mr Musk, on the other hand, believes in the value of bringing fresh eyes to complex challenges. Yet it would be naive to think that any individual alone was best equipped to deliver salvation.

Mr Musk's intervention also exposes one flaw in "flat hierarchy", the slimline management structure favoured by Silicon Valley. If team members defer to each other's expertise then such a structure can encourage useful collaboration. But reducing layers of management — as Mr Musk has recently done at Tesla — can sometimes allow leaders to tinker and assert their influence counter-productively. His efforts in Thailand suggest this was precisely the tech-man's approach.

The drama of the underground rescue — whether the trapped Thai children or the Chilean miners in 2010 — is best managed by largely anonymous individuals working together without ego. They do not depend on chief executives bubbling with optimism and flashy innovations. An offer to help in such a perilous situation is welcome. Rudely asserting one's own authority at the expense of the team is not.

The Thai boys were saved by a systematic collective approach. The intervention of Mr Musk, who has conceded he might be a useful "narcissist", points to the limits of Silicon Valley's "yes, we can" attitude. This was one situation where the last thing a trained team needed was a dose of disruption.

## **EXHIBIT 45**

## **EXHIBIT 45**

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**From:** Richard Otto [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B3D0CFDA560E43DDB5EF28EF02C53A7B-RICHARD OTT]  
**Sent:** 7/15/2018 11:46:28 AM  
**To:** DL-USComms [dl-uscomms@tesla.com]  
**Subject:** Business Insider, Elon Musk calls British diver from the Thai cave rescue a 'pedo guy' after he said Elon 'can stick his submarine where it hurts'

Reporting on this morning's tweets from Elon, several outlets note that "Elon took to Twitter to suggest a critic of his submarine rescue plan is a **pedophile.**"

The Tweets read:

- Water level was actually very low & still (not flowing) — you could literally have swum to Cave 5 with no gear, which is obv how the kids got in. If not true, then I challenge this dude to show final rescue video. Huge credit to pump & generator team. Unsung heroes here.
- You know what, don't bother showing the video. We will make one of the mini-sub/pod going all the way to Cave 5 no problemo. Sorry pedo guy, you really did ask for it.

Business Insider notes, "Musk was responding to criticism from British caver Vernon Unsworth, who told CNN that Musk 'can stick his submarine where it hurts'," and continues, "[Elon] was widely mocked on social media after the boys were rescued without the use of his submarine. He hit back at his critics this week, saying the dive team had instructed him to keep working on the submarine."

Business Insider, Elon Musk calls British diver from the Thai cave rescue a 'pedo guy' after he said Elon 'can stick his submarine where it hurts'

LA Times, Cave diver criticizes Musk's kid-sub rescue plan. Musk suggests he's a pedophile

**From:** Tim Higgins [Tim.Higgins@wsj.com]  
**Sent:** 7/15/2018 2:33:44 PM  
**To:** Dave Arnold [dwarnold@tesla.com]  
**Subject:** Elon's tweets

Hi,

Any comment on Elon's tweets today suggesting the diver in Thailand was a pedophile?

--

Tim Higgins  
tech & autos reporter  
The Wall Street Journal | San Francisco bureau  
[tim.higgins@wsj.com](mailto:tim.higgins@wsj.com) | [@timkhiggins](https://twitter.com/timkhiggins)

**From:** Kolodny, Lora (NBCUniversal) [Lora.Kolodny@nbcuni.com]  
**Sent:** 7/15/2018 2:33:56 PM  
**To:** Dave Arnold [dwarnold@tesla.com]  
**CC:** Sarah O'Brien [sobrien@tesla.com]; David, Javier (NBCUniversal) [Javier.David@nbcuni.com]  
**Subject:** CNBC.com inquiry - Tesla / Elon Musk - tweets on Thai rescue diver

Dave, Sarah -

Please meet my colleague Javier David, on CC. He is CNBC.com's weekend editor.

<https://www.cnbc.com/javier-david/>

We were wondering if Tesla, or Elon Musk, or both would like to share a statement or any further information about this tweet from Musk that has kicked up a lot of concern and controversy:

<https://twitter.com/elonmusk/status/1018497953051258880>

As you know, Musk called Vern Unsworth "pedo guy" in one Tweet, and in another tweet, doubled down on this assertion saying "Bet ya a signed dollar it's true."

Questions on my mind:

1. Can you confirm whether or not Musk was serious and stands by his comment(s)? If yes, does he plan to share evidence supporting his allegations?
2. Did Musk delete the tweet himself? Or was that done at the urging of the board or PR team at Tesla? Did Twitter remove it?
3. If he was not saying this in earnest, does he plan to issue an apology?
4. Is Musk now planning to take any leave of absence from Twitter? If yes, for how long? Starting when?
5. How has Tesla's board responded to these tweets today, if at all?

Thank you for any information or statement(s) you can provide us.

—  
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**From:** Duncan Riley [duncan@nichenet.com.au]  
**Sent:** 7/16/2018 4:06:35 AM  
**To:** Dave Arnold [dwarnold@tesla.com]  
**Subject:** Elon's comments on expats

I'm interested in knowing what Tesla's official position is on Elon Musk's comment that a member of the cave rescue team in Thailand is a "pedo" and "sus."

I'll be upfront with you - while I'm also a Senior Writer at SiliconANGLE I'm also a white expat in northern Thailand <200kms from where the cave is.

Does Tesla believe that the ~7 million odd expats, ~500,000-1 million of them white, are pedophiles? Thailand has 38 million foreign visitors last year and Bangkok at 20 million is the most visited city by foreign tourists in the world - does Elon think all people visiting Thailand are "sus?"

Dave, I know it's not your doing and I'd hate to be in your situation but I'd like something on the record if you are willing to comment.

Thanks

Duncan.

--

Duncan Riley  
Senior Writer, SiliconANGLE  
e: [duncan@nichenet.com.au](mailto:duncan@nichenet.com.au)  
t: <http://twitter.com/duncanriley>  
w: <http://www.siliconangle.com>

**From:** Rex Crum [rcrum@bayareanewsgroup.com]  
**Sent:** 7/16/2018 6:41:05 AM  
**To:** Dave Arnold [dwarnold@tesla.com]  
**Subject:** Comments on Elon's Tweets

Hi Dave. Hey, I've been tasked this morning with seeking out some comments from Tesla, and industry analysts, about **Elon's "pedo" tweet**, and other comments on Twitter in this back-and-forth with Vern Unsworth. Elon is known for being pretty open with his comments on just about anything, **but suggesting Unsworth is a pedophile, and then offering a signed dollar as a bet if true.**

It's one thing to mock the quality of analysts' questions on an earnings call... **But, calling a guy a "pedo"...** That seems like opening yourself up to a lawsuit.

Will Tesla, or Elon, have some comment on this matter this morning? If so, I appreciate it if you could send it to me.

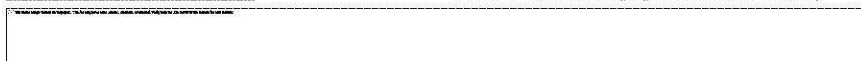
Thanks Dave,

Rex

--  
Rex Crum Senior Business Web Editor | Editorial  
[rcrum@bayareanewsgroup.com](mailto:rcrum@bayareanewsgroup.com)  
408-278-3415 Direct  
[@rexcrum](#)



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**From:** Press [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C069E55E37744F297F496AFA98025AC-PRESS]  
**Sent:** 7/16/2018 7:10:37 AM  
**To:** Dave Arnold [dwarnold@tesla.com]; Gina Antonini [gantonini@tesla.com]; Erica Chen [echen@tesla.com]; Kamran Mumtaz [kmumtaz@tesla.com]  
**Subject:** FW: URGENT: LA Times question on Vernon Unsworth

---

**From:** "Masunaga, Samantha" <Samantha.Masunaga@latimes.com>  
**Date:** Monday, July 16, 2018 at 7:07 AM  
**To:** Press <press@tesla.com>, James Gleeson <James.Gleeson@spacex.com>  
**Subject:** URGENT: LA Times question on Vernon Unsworth

Hi there,

I'm working on a story this morning about British cave diver Vernon Unsworth's comments to journalists that he would consider taking legal action against Elon after hearing about Elon's tweets suggesting **that he was a pedophile**. I wanted to reach out and see if SpaceX or Tesla had any statement on Unsworth's comments, or Elon's tweets.

If I could get in touch with someone as soon as possible, I would greatly appreciate it.

Best,  
Samantha

**Samantha Masunaga**  
Staff Writer  
Los Angeles Times

213-237-5778  
@smasunaga

**From:** Press [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C069E55E37744F297F496AFA98025AC-PRESS]  
**Sent:** 7/16/2018 7:13:19 AM  
**To:** Dave Arnold [dwarnold@tesla.com]; Gina Antonini [gantonini@tesla.com]; Erica Chen [echen@tesla.com]; Kamran Mumtaz [kmumtaz@tesla.com]  
**Subject:** FW: Seeking comment on Elon Musk's tweets about British cave diver

---

**From:** Levi Sumagaysay <lsumagaysay@bayareanewsgroup.com>  
**Date:** Monday, July 16, 2018 at 6:04 AM  
**To:** Press <press@tesla.com>  
**Subject:** Seeking comment on Elon Musk's tweets about British cave diver

Good morning. Does Tesla have any comment about the tweets by Mr. Musk accusing British cave diver Vernon Unsworth of being a "pedo," which appear to have been deleted? In addition, Mr. Musk said he would produce a video proving his submarine would have been able to reach the children in the Thai cave. Will he be producing such a video?

Thanks,  
Levi

Levi Sumagaysay SiliconBeat Editor | Editorial  
[lsumagaysay@bayareanewsgroup.com](mailto:lsumagaysay@bayareanewsgroup.com)

@levisu



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**From:** Press [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C069E55E37744F297F496AFA98025AC-PRESS]  
**Sent:** 7/16/2018 7:15:09 AM  
**To:** Dave Arnold [dwarnold@tesla.com]; Gina Antonini [gantonini@tesla.com]; Erica Chen [echen@tesla.com]; Kamran Mumtaz [kmumtaz@tesla.com]  
**Subject:** FW: Seeking comment on Musk "pedo" comments and fallout

---

**From:** "Selk, Avi" <Avi.Selk@washpost.com>  
**Date:** Monday, July 16, 2018 at 4:51 AM  
**To:** "media@spacex.com" <media@spacex.com>, Press <press@tesla.com>  
**Subject:** Seeking comment on Musk "pedo" comments and fallout

Good morning,

I am writing about Elon Musk's since-deleted tweet Sunday, in which he accused British cave explorer Vernon Unsworth of pedophilia.

I am updating today with Unsworth's remarks that he is considering legal action.

I am seeking comment from Musk as well as spokespeople for SpaceX and Tesla, individually that a) address and elaborate on the accusations Musk made and his decision to delete them and b) address Unsworth's reaction to the comments. See references below.

My deadline is ASAP. Thanks for your help.

[https://www.washingtonpost.com/news/worldviews/wp/2018/07/15/elon-musk-insisting-he-helped-in-thai-cave-rescue-calls-actual-rescuer-a-pedo/?utm\\_term=.4401f3c383a7](https://www.washingtonpost.com/news/worldviews/wp/2018/07/15/elon-musk-insisting-he-helped-in-thai-cave-rescue-calls-actual-rescuer-a-pedo/?utm_term=.4401f3c383a7)

<http://www.foxnews.com/tech/2018/07/16/british-diver-doesnt-rule-out-legal-action-against-musk-over-tweets.html>

Avi Selk  
The Washington Post - Staff Writer  
202-334-6995 o



From: James Gleeson  
Sent: Mon 7/23/2018 5:19 PM (GMT-07:00)  
To: Eva Behrend  
Cc:  
Bcc:  
Subject: FW: Mr. Musk's apology

**From:** Sam Teller <sam@boringcompany.com>  
**Sent:** Wednesday, July 18, 2018 9:45 AM  
**To:** Mihir Zaveri <mihir.zaveri@nytimes.com>  
**Cc:** James Gleeson <James.Gleeson@spacex.com>; Sarah O'Brien <sobrien@tesla.com>  
**Subject:** Re: Mr. Musk's apology

Mihir, thanks for reaching out. We don't have any further comment on the record.

Off the record: Everyone makes mistakes and Elon admitted his. The businesses are good and proceeding as usual. Elon deleted the tweet about the demo so I think it's safe to assume he's not planning to do it.

Sam

On Jul 18, 2018, at 8:09 AM, Mihir Zaveri <[mihir.zaveri@nytimes.com](mailto:mihir.zaveri@nytimes.com)> wrote:

Hi, this is Mihir Zaveri with The New York Times.

I'm writing about Mr. Musk's apology to Vern Unsworth here: [https://twitter.com/elonmusk/status/1019472152796381185?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1019472152796381185&ref\\_url=https%3A%2F%2Fwww.bloomberg.com%2Fnews%2Farticles%2F2018-07-18%2Fmusk-apologizes-to-u-k-diver-he-labeled-as-pedophile](https://twitter.com/elonmusk/status/1019472152796381185?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1019472152796381185&ref_url=https%3A%2F%2Fwww.bloomberg.com%2Fnews%2Farticles%2F2018-07-18%2Fmusk-apologizes-to-u-k-diver-he-labeled-as-pedophile)

- What prompted the apology? Has Mr. Musk heard back from Vern Unsworth?
- Have you all read this letter from Gene Munster: <https://loupventures.com/an-open-letter-to-elon-musk/> ? How would you respond (including the specific assertion that Mr. Musk has shown "too many examples" of concerning behavior)? Will Mr. Musk change how he uses social media?
- Is there a worry that this exchange will affect Mr. Musk's businesses?
- Is it still your intention to do a demo to show the submarine would have worked, as Mr. Musk stated?

Thank you, I'm at 212 556 8484. Writing to post this afternoon.  
Mihir

## **EXHIBIT 46**

## **EXHIBIT 46**

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Tham Luang Cave Rescue (July 2018) Elon Musk Journalism Startup Founders and Entrepreneurs

## What's the full story behind Elon Musk's involvement with the Thai cave rescue effort?

### 10 Answers



Jeremy Arnold, Consultant to SMEs/startups. Business analyst background.  
Updated Jun 14, 2019 · Upvoted by Jessica Shambora, Former journalist at Travel+Leisure & Fortune magazines · Author has 898 answers and 7.6m answer views

**As is often the case, there's a nuanced story with multiple morals here — one that most news outlets have, for whatever reasons, failed to tell.**

Let's start with the common narrative, which I think is fairly represented in this tweet (chosen randomly among hundreds like it):



**rich fitzmaurice**  
@FitzmauriceRich

Very disappointed in @elonmusk during this Thai episode. Jumped on a PR opportunity, throws his expensive toy out the pram when told it \*so obviously\* wouldn't work and now disrespecting heroes involved who clearly did a super human feat in rescuing boys.

22 8:27 AM - Jul 16, 2018

18 people are talking about this

We have a few inter-related claims here:

1. That Musk's involvement was primarily about PR.
2. That his "expensive toy" was of no value to rescue efforts.
3. That he was disrespectful of rescuers in the plural.

And then, of course, we have Musk's already-infamous "pedo guy" dig.

We'll take each of those in turn, using context to determine how fair or unfair each claim might be.

### #1: The massive PR stunt.

This criticism came in three somewhat contradictory flavors. Some blamed Musk for making too much of his efforts, some blamed him for not making a different contribution, and some blamed him for not solving totally unrelated problems.

To give a few representative examples:



**Aubrey Blanche** @adblanche · Jul 8, 2018

Like, I'm excited @elonmusk sent people to get kids out of a cave. But could he also send his program managers to orchestrate getting 3000 kids back to their families? And maybe pay for the therapy they'll need?



**Vivianne Castillo**  
@vcastillo630

Unless there's an opportunity for him to showoff the cool technologies SpaceX can build - like the "kid-sized" submarine for cave rescue - I doubt he'll do anything about the kids at the border 😞

### Related Questions

What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?

Why did Elon Musk accuse the cave-diver, Vern Unsworth, who masterminded the Thai cave rescue, of being a pedophile?

What do you think of "Elon Musk wades into Thai cave to drop off tiny rescue submarine — which won't be used"?

What do Tesla and SpaceX employees think about Elon Musk's involvement in the Thai Cave Boys rescue?

How was Elon Musk's submarine intended to help the Thai Cave Rescue?

Why didn't Elon Musk get the credit he deserved for his involvement in the Thai cave rescue effort?

Was Elon Musk helpful at the Thai cave rescue?

What do you think of "Just what was the point of Elon Musk's 'non-practical' submarine rescue effort in Thailand?"

What do you think of Elon Musk's negative comments on Thai cave rescue heroes?

What do you think of "Elon Musk Has Finally Apologized to the Thai Cave Diver He Called a 'Pedo'"?

### In Other Languages

En Español: ¿Cuál es la historia completa detrás de la participación de Elon Musk en el esfuerzo de rescate de las cuevas tailandesas?

En Français : Quelle est l'histoire complète de l'implication d'Elon Musk dans l'effort de sauvetage des cavernes thaïlandaises ?

In Deutsch: Was ist die gesamte Geschichte hinter der Sache mit Elon Musk und der Rettung der thailändischen Kinder von der Höhle?

日本語版: イーロン・マスクがタイの洞窟での遭難事件の舞台裏で活躍していたというのは本当ですか？

Em Português: Qual é a história completa por trás do envolvimento de Elon Musk no esforço de resgate da caverna tailandesa?

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**Dr. John Grohol** ✓

@DocJohnG

Gosh, feel like you need to leverage every public situation for your own aggrandizement much? You do know there are hundreds of experts already working this across multiple counties, no? [#narcissism](#)

10:55 AM - Jul 8, 2018

481 635 people are talking about this

## Related Questions

What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?

Why did Elon Musk accuse the cave-diver, Vern Unsworth, who masterminded the Thai cave rescue, of being a pedophile?

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So an engineer hasn't used his free time to solve a border-control problem that's outlasted every elected politician and subject-matter expert that's ever been paid to figure it out? Time for the tar and feathers, I guess.

More to the point though, one does wonder why Musk was ever vocal about this particular issue in the first place?

Well, as it turns out, we know exactly why.



**Mabz** @MabzMagz · Jul 3, 2018

Hi sir, if possible can you assist in anyway to get the 12 Thailand boys and their coach out of the cave. [@elonmusk](#)



**Elon Musk**

@elonmusk

I suspect that the Thai govt has this under control, but I'm happy to help if there is a way to do so

20.3K 10:02 AM - Jul 4, 2018

3,459 people are talking about this

Note the date. The boys went missing on June 23rd. It had been a national news issue for well over a week at that point — i.e., just long enough for engineering types to begin wondering if perhaps they could do something to help.

As for why Musk thought that open conversations on Twitter were a positive means to that end?



**Jeremy Liew, Partner at Lightspeed** @jeremysliew · Jul 6, 2018

This thread is an amazing demonstration of [@elonmusk](#) brilliant mind but could the conversation have happened better over I dunno a phone? [twitter.com/yuris/status/1...](https://twitter.com/yuris/status/1017111111111111111)



**Elon Musk**

@elonmusk

It's open so that others who are closer to the problem can consider this as one possible solution

9,262 6:04 PM - Jul 6, 2018

630 people are talking about this

But surely he could do more than just facilitate dialogue on social media?

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SpaceX & Boring Co engineers headed to Thailand tomorrow to see if we can be helpful to govt. There are probably many complexities that are hard to appreciate without being there in person.

1:42 AM - Jul 6, 2018

22.2K 9,143 people are talking about this

So, in sum, a wealthy problem-solver with a long history of responding to charity requests on Twitter is asked to see what he can do to help. He agrees, opens dialogue for ideas, takes them to the on-the-ground experts for feedback, then sends some of his best engineers to work pro bono on practical mechanics.

And this is a bad thing...

## #2: The expensive toy.

From Musk's first announcement that his team was working on a miniature submarine to help the divers, Twitter was quick to criticize.

I studied engineering. Anyone who's known to have a basic knowledge of geography and engineering know that Elon Musk's "Escape Pod Submarine" is not helpful at this present situation. Still he played along, trying to seek global attention. @elonmusk you're wrong! #ThaiCaveRescue

— Vishnu Narayanan (@NarayananVI) July 10, 2018

Of course, one could point out that SpaceX and Boring Co. engineers had also "studied engineering" at some point in their careers — being that many of them are literal rocket scientists and all (not to mention their knowledge advantage re: the specific cave system in question). But why let that obvious truth get in the way of cheap criticism for some sweet, sweet internet karma?

Sadder yet, this skepticism wasn't limited to internet trolls.

## Related Questions

What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?

Why did Elon Musk accuse the cave-diver, Vern Unsworth, who masterminded the Thai cave rescue, of being a pedophile?

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**BBC News (World)** @BBCWorld · Jul 10, 2018

Elon Musk's offer 'not practical' for cave mission, Thai rescue chief says [bbc.in/2u1WT0t](https://www.bbc.com/news/health-45611111)



**Elon Musk**  
@elonmusk

The former Thai provincial governor (described inaccurately as "rescue chief") is not the subject matter expert. That would be Dick Stanton, who co-led the dive rescue team. This is our direct correspondence:



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We're worried about the smallest lad please keep working on the capsule details

Sent from my iPhone

On 8 Jul 2018, at 08:48, Elon Musk

Sounds good, will continue.

Parts are being assembled and will undergo testing in water in a few hours. Will send pics and video. However, don't want to put it on a plane if you think there are important changes needed. Operating principle is same as spacecraft design — no loss of life even with two failures.

On Jul 7, 2018, at 6:30 PM, Richard Stanton < > wrote:

It is absolutely worth continuing with the development of this system in as timely a manner as feasible. If the rain holds out it may well be used.

Sent from my iPhone

31.3K 10:03 AM - Jul 10, 2018

5,319 people are talking about this

## Related Questions

What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?

Why did Elon Musk accuse the cave-diver, Vern Unsworth, who masterminded the Thai cave rescue, of being a pedophile?

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What do you think of "Elon Musk Has Finally Apologized to the Thai Cave Diver He Called a 'Pedo'"?

Note that last sentence:

*If it isn't needed or won't help, that would be great to know. Otherwise, it would be very helpful to have as much design direction as possible.*

Clearly the words of an egomaniac dedicated to inserting himself into a process where he was neither invited nor desired.

Anyway, to expand a bit more on the details here:

- Narongsak Osotthanakorn, the provincial governor quoted by BBC, went on to say: "Even though their equipment is technologically sophisticated, it doesn't fit with our mission to go in the cave." In other words, the problem wasn't that the sub was useless. It was that they'd already come up with an alternate plan before the sub arrived. (Note: Narongsak was actually transitioning out as governor. He just stayed on as the political head of the rescue team until it was completed.)
- From the description of the rescue efforts (which had to be expedited because of a lull in the rain before the cave flooded again), the sub still could have been useful. At the very least, it could have replaced the need for the stretcher and pulley system used in the more open areas. It just arrived too late to make it into the planning process.
- Some suggested that the length of the sub might have kept it from navigating some of the cave's tight corners. But you know who else thought of this? Musk and his engineers. Hence why they sent an inflatable version built to the same dimensions to test it without the risk of blocking the passage.
- You know who was excited about the sub? The Thai Navy. Musk even loaned out his engineers to teach them how to use it for future missions.



**Than R.** @thanr · Jul 11, 2018

SpaceX team met w/ Admiral Apakorn Youkongaew and members of Thai Navy yesterday in CEI to train them on the mini-submarine. Navy believes it could be helpful and practical in future rescue efforts and will conduct further testing in Bangkok in the near future.



**Elon Musk** @elonmusk

Glad to hear that. Engineering team also getting feedback from the British dive team on how to improve the design for future

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1,032 people are talking about this

So, again, we have a wealth of condemnation and ridicule directed at Musk for what exactly? For collaborating with the dive team to come up with something that, at worst, would add to their toolbox for other rescue missions?



**Elon Musk**  
@elonmusk

Replying to @dtemkin

This reaction has shaken my opinion of many people. We were asked to create a backup option & worked hard to do so. Checked with dive team many times to confirm it was worthwhile. Now it's there for anyone who needs it in future. Something's messed up if this is not a good thing.

59.1K 4:20 AM - Jul 11, 2018

7,350 people are talking about this

Something's messed up indeed.

### #3: Disrespecting the heroes.

As everyone knows, Musk's tweet history is littered with examples of him taking credit at the expense of those actually "in the arena".



**Sean Gardner** @2morrowknight · Jul 8, 2018

That's good news. Huge thanks to @elonmusk and all of the specialists worldwide who have assisted the Thai government with this rescue. Indeed, good things can happen when people (especially people worldwide) work together. #AwesomeHumans #Thailand [twitter.com/ABC/status/101...](https://twitter.com/ABC/status/101...)

**ABC News** @ABC

Two boys rescued from being trapped in a cave with their soccer team and coach in Thailand are loaded into ambulances before being transported for treatment at a hospital in Chiang Rai.

Four boys were extracted amid ongoing rescue operations.  
[abcn.ws/2MIZD0](https://www.abcnews.com/news/2MIZD0)



### Related Questions

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What do you think of "Elon Musk Has Finally Apologized to the Thai Cave Diver He Called a 'Pedo'"?

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Thanks, but we've not done anything useful yet. It is all other people.

9,796 7:16 PM - Jul 8, 2018

668 people are talking about this

Ok, so maybe not. But what about all those nasty things he said about the divers? You know, the ones he couldn't speak well of on account of his seething bitterness and jealousy?



**Elon Musk**  
@elonmusk

Extremely talented dive team. Makes sense given monsoon. Godspeed. [twitter.com/bbcbreaking/st...](https://twitter.com/bbcbreaking/st...)

**BBC Breaking News** @BBCBreaking  
Replying to @BBCBreaking

The complex mission to rescue the 12 trapped boys and their football coach from a cave in Thailand has begun [bbc.in/2u8iJ1s](https://bbc.in/2u8iJ1s)

Follow our live page for more updates [bbc.in/2u1WT0t](https://bbc.in/2u1WT0t)

49.8K 1:48 AM - Jul 8, 2018

7,821 people are talking about this

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What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?

Why did Elon Musk accuse the cave-diver, Vern Unsworth, who masterminded the Thai cave rescue, of being a pedophile?

What do you think of "Elon Musk wades into Thai cave to drop off tiny rescue submarine — which won't be used"?

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What do you think of "Elon Musk Has Finally Apologized to the Thai Cave Diver He Called a 'Pedo'"?



**Elon Musk**   
@elonmusk

Continue to be amazed by the bravery, resilience & tenacity of kids & diving team in Thailand. Human character at its best.

12:35 PM - Jul 7, 2018

85.3K 13.3K people are talking about this

He also went out of his way to give *three* separate shout-outs to the pump and generator teams — as self-obsessed types do, I guess.

## #4: The final straw.

Thus far, Musk has come out pretty well. But that's about to get complicated.

To set context, Vern Unsworth is a retired British expat who's been living in Chiang Rai. And it so happens that he'd been exploring the particular cave system where the boys went missing for some six years prior. This let him predict with fairly close accuracy where the lost party would be found. He was also instrumental in bringing in the overseas cave diving experts.

This past Friday, after the rescue was complete and those involved were shifting into debrief mode, Unsworth gave an interview, a clip of which went viral.



**Quoth the Raven**  
@QTRResearch

Cave rescuer on Musk: "It was a PR stunt. It had no chance of working."

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17.4K 7:33 PM - Jul 13, 2018

6,650 people are talking about this

CNN: "We just talked about this before, what your thoughts on Elon Musk's idea was."

Unsworth: "He can stick his submarine where it hurts. It had absolutely no chance of working. He had no conception of what the cave passage was like. The submarine, I believe, was about 5 foot 6 long, rigid. So it wouldn't have gone around corners, around any obstacles. It wouldn't have made it the first fifty meters into the cave from the dive start point. Just a PR stunt."

As to why Unsworth chose to throw scorn at Musk's motives, only he can say. Perhaps he was simply riding the false narrative supported by so many others.

All we do know is what he said — which was, at best, rather uncharitable.

Musk didn't take it well.



Yikes.

Now, in Musk's (very) limited defense, the **pedophile** accusation wasn't quite random. While Thailand has a reputation for sex tourism in general (particularly marketed towards single European pensioners), Chiang Rai itself is a known hot-spot for "sex trafficking and child prostitution".

But does this trivia make it likely that Unsworth himself ever indulged in the local trade? Of course not. **Unless Musk had some private information**, it seems that he was seeing red and just grabbed at a convenient stereotype.

Gross as that tactic is, it suggests a deeper question: *what drove a well-respected public figure to make such an extraordinarily negative claim?*

Without attempting to exonerate him, I think that's worth getting into briefly.

## Related Questions

What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?

Why did Elon Musk accuse the cave-diver, Vern Unsworth, who masterminded the Thai cave rescue, of being a **pedophile**?

What do you think of "Elon Musk wades into Thai cave to drop off tiny rescue submarine — which won't be used"?

What do Tesla and SpaceX employees think about Elon Musk's involvement in the Thai Cave Boys rescue?

How was Elon Musk's submarine intended to help the Thai Cave Rescue?

Why didn't Elon Musk get the credit he deserved for his involvement in the Thai cave rescue effort?

Was Elon Musk helpful at the Thai cave rescue?

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Elon Musk has by far the more legitimate claim. Apart from Obama and Clinton, I'm not sure any other public figure has been the victim of such a relentless wave of vicious, unfounded criticism in the social media era.

The tweets in the early sections barely do it justice. While I'm no blinders-wearing fanboy, I read a fair amount of articles about Musk and his companies. I think what they do is important and generally worthy of regular coverage. But what they don't deserve is the *tone* of their regular coverage.

This deep-dive gives the sense: [Elon Musk vs. Short sellers](#) . In a nutshell, a non-trivial group of people (in number, funds, and collective influence) have been crusading against Musk's success for a long, long time. The net result is that it's weirdly difficult to get a balanced view of the man and his work. Most pieces are written by either uncritical supporters or those eager to feed the short/bear narrative (for whatever personal motivations).

While there are exceptions to the rule, the average piece looks something like this: [Just How Many Dimensions of Chess Is Elon Musk Playing?](#)

To save you the read (and to prevent them from gaining from your click), I'll sum up their thesis: Elon Musk called Unsworth a **pedophile** to distract the world from the recent revelations that he's made public donations to the GOP.

Well, about that:

- Those donations were small (< \$40,000) in relative terms.
- He gives often and in moderate amounts [to both sides](#) .
- These amounts are dwarfed by his donations to issue-based causes (like his recent \$6m give to a climate change fund).
- His political donations have never been a secret (being publicly reported). He's discussed them openly.

Being honest, giving token amounts to various political groups is the cost of doing business. This often includes giving to those you disagree with ideologically. I'm resolutely against the current administration (and many GOP senators), but I'd do the same in his shoes. Most would, with clean consciences.

So why write an article about it as if it were news? I'll leave that to the reader to ponder.

This kind of sustained siege against one's character and motives has a predictable effect on people (remember Obama's before/after photos?), especially when the victim sees few journalists interested in stepping in to tell the full story in a way that might slow the deluge.

As per a [recent interview](#) with Bloomberg, Musk is aware that this is making him prickly.

I never launched an attack on anyone who did not attack me first. So the question is: If somebody attacks you on Twitter, should you say nothing? Probably the answer in some cases is yes, I should say nothing. In fact, most of the time I do say nothing. I should probably say nothing more often.

I have made the mistaken assumption—and I will attempt to be better at this—of thinking that because somebody is on Twitter and is attacking me that it is open season. And that is my mistake. I will correct it.

He may yet correct it. And perhaps his failing this week will encourage him to redouble his efforts. Personally, I hope he hires someone to run better PR for him. Instead of the fact-checking service he proposed last month, perhaps he just needs a contractor to deconstruct stories about him and his companies on his behalf.

(While I see why Musk often responds himself, I think some remove would be advantageous for him. Not only would it add a layer of objectivity, it would allow the other to highlight Musk's positives in ways he could never do himself with any propriety. For example, did you know that he made *two* separate commitments to help the people of Flint while this other narrative was going on? Or that he donated a batch of RadioFlyer

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## Final Thoughts

Musk's PR needs aside, I think we're right to condemn him for words to Unsworth (a provoked but disproportionate response). Working under the assumption that Unsworth is innocent of the charge, he should sue for libel. If he can't afford to, he should be helped. Or Musk should reach out proactively to donate to a charity of Unsworth's choice to begin his amends.

That notwithstanding, I have a hard time identifying with the cries of villainy. Musk made a terrible judgment call, sure. But to over-focus on that is to excuse ourselves at the same time. The waves of shoddy journalism exacerbating his behavior are coming from somewhere, supported by many a someone's clicks. And as the old saw goes, no raindrop likes to see itself as responsible for the flood.

Overall, I think what Musk wants most is fairness. That doesn't strike me as unreasonable. There's a balance point between hero-worship and demonization, and we ought to do a better job of demanding that our press aim for it.

## EDIT: SEP 6TH

Given how widely this post has been distributed, it felt inappropriate to make unmarked edits. Though the edit log is open for public review, it would be a bad look. As such, a few open notes instead.

- Back in July, I fixed a broken link about sex tourism in Chiang Rai. I also corrected a capitalization typo in a linked article headline (my original mistake). See edit log.
- I've just now added a transcript of Unsworth's interview snippet, as requested. This is for the benefit of those who can't get the video to play. I've also cleaned up one bullet point that had wonky grammar.
- It turns out I underestimated the coverage of the Musk-Flint story. As per Buzzsumo, that story actually saw significant traction on Facebook (which I'm not on, and was unaware of). Interestingly, if you compare that story with this one, more readers shared the positive story, but more journalists wrote about the negative one.
- If given a redo, I would have replaced "vicious" above with "bad faith". Vicious certainly fits some critics (especially on social media), but isn't a fair description of the average. That was bad judgment on my part.
- Some have argued that my "in his (very) limited defense" line can be read as defending Musk for the slur itself. I find this ludicrous, as the immediately following lines made my meaning exceptionally clear. My point was that Musk didn't employ a *random* slur. That said, I've gone back and forth since as far as which behaviour is actually worse (random use of slurs vs. application of stereotype). As such, I probably should have scrapped the line altogether.
- I otherwise stand by the original. I suppose the argument that I was light on certain examples isn't unreasonable. That said, the piece was already 3,000 words long. I also feel like those making said criticism didn't do much (or anything) to deal with the examples I did give. But just to entertain said idea, my follow-up is going to be much more expansive.

## EDIT: June, 2019

I forgot to link this here: [Jeremy Arnold's answer to What did the media get right/wrong re: Jeremy Arnold's post about Elon Musk and the Thai cave rescue effort?](#)

It's an expansive sequel that breaks down and responds the press coverage of the above answer.

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Iris Yardeny, Product Expert at monday.com (2017-present)  
Updated Sep 25, 2019

I recommend [monday.com](#), a powerful yet flexible project management tool for companies like yours. The tool currently supports thousands of users working on large-scale projects, making it simple for them to track and complete each phase in one visual place. The biggest challenges our use... [\(Continue Reading\)](#)

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Julian Robson, Been involved in numerous startups.  
Updated Apr 5, 2019 · Author has **429** answers and **579.4k** answer views

Couple of answers here are almost there except Jeremy's which is basically defending Musk as this poor guy who tried to help and got slammed with a sprinkle of light condemnation for some cred. It left out one very important event. And it makes it more curious given the very professional lengths he went to paint the picture. And even more curious is that Musk referred to Jeremy's post as an "Intelligent and thoughtful piece." Hmm... a post on Quora?! I smell a rat. And it's mostly just a post on how mean people are. A Twitter critique. Please. **I could pen an article and copy/paste 10,000 tweets from Musk Sychophants who agreed Unsworth was a pedo.** What does that prove either way? Nothing except there's a lot of nobs in the world. Anyway on with what happened...

Keeping it simple with events mixed with reasonable assumptions.

First. Musk has a "knight in shining armour" complex. Nothing wrong with that. In extreme cases like his it is accompanied by a large ego. No big deal (if it doesn't get in the way of saving lives), most ultra successful people are like this, but it has context.

Prequel.

Vern Unsworth knows the caves like no one else. He's mapped them. Has decades of caving experience. He knows EVERY passage. Every diameter. He literally points the rescuers to where the boys are and says you need to get "these" guys in. He is the mastermind. Without him (and others) the boys would be dead.

The events:

1. Musk hears about the rescue. His ears prick up and he's away. Great stuff. Good on him.
2. He somehow gets a line to a diver(s). Now you are in a tense situation and some innovative billionaire offers some crazy solution so you think "nothing lost here and we're desperate, go for it dude!"
3. He brings the sub to the site. Impressive in the timeframe. But it's unbelievably tense — the first rescue has occurred and by now they've all but sussed it out.
4. The EXPERTS look at the sub, talk about it and the official then tells Musk, "thanks for the offer but it's not what we need and be on your way because we've got lives to save and this is now a distraction." This is important. If you think the official acted alone you'd be delusional. There would be experts everywhere. They'd been planning the rescue for a week or so. Rehearsals. Meticulous planning. It was working. The sub could only bring out one at a time. It might not even fit through the narrow passages. The boys would have to be able to test it

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it wasn't needed, this was a different time than when Stanton suggested he have a go, and the distraction definitely wasn't welcome. And Unsworth would definitely have been one of the experts consulted. You know, the guy who knows every inch of the cave. In fact it's probably reasonable to assume that he might have been one of the main guys who would have said, "na, no chance."

5. Now there's one thing here we don't know. What was the mood like at the site? Did Musk waltz in and the team wasn't happy with the intrusion and there was tension? Because it would have been a bit of a circus all round. Did Musk react and argue when being told to leave? Who knows. Perhaps it might in some way explain his bitey tweet at the official?
6. Now here's where the shit starts, but many gloss over this important point and think it has no bearing. Bullshit. Musk jumps on Twitter because to him he has been humiliated. He's frantically built the sub, taken a team over, gone to the caves and been turned away. He jumps on and has a dig at the official saying he's not an expert, and his title is wrong, and then proceeds to copy tweets that only state "yeah dude, it could be useful." See point 2. So let's sit back and look what Musk did. He effectively tried to discredit a team member and create conflict between a team in the middle of a crisis to make it look like he's been wronged. Not cool. Not cool at all. And when they find out that team will hit you like a ton of bricks. You better believe it.
7. And why did he send the tweet anyway? What was he trying to prove? That he was wrong in being turned away? That the sub would have had a better outcome? He wasn't wronged in being turned away and the outcome would not have been better. What purpose did the tweet serve? The boys had been saved dude. And even then he was doubling down, saying that he's going to go back to the cave and "prove" it would be work! I'll fix those bastards! Oh, umm, "Hey great effort team!" Hmmm, see some classic behaviours happening here people? Let it go man. It doesn't matter.

Now from here I am tipping that the rescue team has got wind of this and thought "what a sanctimonious little prick." Trying to discredit us and make it all about him. Why didn't he just walk away and go "glad I could try and help." AND THAT'S IT. But no. These people, the overloaded knights in shining armour cannot handle when their offers get knocked back. Their ego is dented so they start dissing anyone who rejected them. Sounding like a certain POTUS we know?

So when Unsworth, who no doubt has had to deal with all sorts of crazy shit for weeks — probably hardly any sleep and doesn't suffer fools — gets asked what did he think of Musk's idea he said what he said. Most of us in that situation would have probably done the same. OK, maybe he was a bit harsh. He should have offered some lube... Although it was apparently a tiny sub designed to fit in small crevices... jokes aside, if you're still going "Oh, Musk's tweet had nothing to do with Unsworth's comments," then offer an explanation, because the only ones I've seen are clutching at straws. "He was riding the anti-Musk narrative." What?! "He was jealous of Stanton." Hahaha. So he wouldn't have seen Musk's divisive tweet, but he saw Stanton's? Please. So come on. Really, why would Unsworth be so salty? He's not just going to come out at random and say that. And it's not because he was riding the narrative. That's absurd. He wouldn't have given a shit about the narrative.

And then of course Musk did what all good narcissistic egomaniacs do — he lost his shit and called him a **pedo** and a nobody (I'm seeing a "nobody" trend). Sorry? The guy who knows every inch of the caves! And the guy has a daughter dude and you've plastered it all over the internet to your 20 million followers! Many of who are going "yeah he's a **pedo** alright, you go Elon, our hero." No people, Unsworth was a hero, Musk lucked out this time.

Look I didn't have an opinion of Musk either way. I thought he was an innovator and at first did a good thing. But looking at it from an objective point of view and seeing the events unfold he is an ass and an egomaniac.

In summary there only needs to be 2 key questions that warrant intelligent, un-biased answers. Everything else is by-play and a distraction:

1. Why did Musk feel the need to tweet about the officials title and declare he wasn't the "expert"?

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**What is the best way to find and hire a freelancer?**

Pablo Macias, Growth Expert at Toptal (2018-present)

Updated Feb 8, 2019

The best methods for hiring freelancers are those that minimize time, money, and uncertainty and maximize consistency.

- Hire through a freelance talent website: Sites like [Toptal](#) are great if you're short on time and care about quality. With [Toptal](#), you won't have to find a freelancer -th...

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Øystein Runde, worked at Writing

Updated Jul 27, 2018 · Author has 65 answers and 224.6k answer views

Heavily EDITED this to clarify.

Elon was asked to help.

He said he would do so if asked, but assumed Thai officials knew what they were doing.

Leader of the dive team could not any stone lay unturned, so he accepted the offer for help.

Elon could (and would) not say no. Leader of the dive team could not tell Elon to stop. Elon asked clearly, in his email, about whether his mini-sub would be useful. The answer was yes.

The guy who knew the cave system, Unsworth, for some reason decided that the sub was useless (too big to fit through the cave system). Maybe because Unsworth knew better than the leader of the dive team (Unsworth after all knew the system well). Maybe the leader of the dive team felt he could use the minisub for SOMETHING. Maybe the leader of the dive team felt like he had to let Musk do something, since it would look bad to not use Musk when Musk was "available". But then it would be better to say the minisub was bad and that Musk should build something else. So this looks weird.

Unsworths response, that minisub is useless: Maybe true or maybe based on all the anti-Musk stories that are "cool" in media today. If true, then leader of dive team lied to Musk. Most probable is that minisub works but just barely - no matter how good the minisub is, it's obviously very hard to be 100% sure if it will fit at all places.

The "Elon Musk is the Messiah" angle has been strong for sooooo long (I've used it a few times myself) and Musk is now so successful that his underdog position of the past has been totally forgotten. So 1. the huge amount of money invested in shorting Tesla (more than a BILLION dollars to be lost if Tesla goes up) and 2. the media's need for new angles (build up then tear down) together generates a flurry of anti-Musk articles nowadays.

The sad part is that Elon was winning, and then he threw an unnecessary insult on top of his argument. A classic moment of snatching defeat from the jaws of victory.

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Ric Lim, Founder of Creators Node (KreyTor.org)

Updated Jul 22, 2018

There are a lot of conjectures on the sequence of events in some post attacking Elon, including what dive teams were supposedly thinking against him. Only Unsworth and the former Thai governor were asked by the media and responded to question about Elon's submarine being unhelpful. The actual first tweet that created controversy was what appeared to be Elon downplaying the role of the former governor who said the submarine is impractical. He was trying to point out that he was dealing with Stanton, the supposed cave rescue expert. Maybe he had a poor choice of word and appeared to be dissing the former governor. But if you read the actual tweet it is not a clear insult and is open to

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Jeremy's answer listed the facts to set the record straight because there were a lot of angry comments based on misinformation of events surrounding Elon's attempt to help.

The news link below was from a report at a time when there were a lot of uncertainties about the rescue, and they reported Stanton as being the first volunteer there and that he is an awarded expert in rescue. So it is understandable for Elon to defend himself and claim he was dealing with the expert who would know better if the submarine is practical or not for use in the cave. The former governor is not a cave rescue expert but Elon could have chosen a better word than to sound dismissive as the guy is still the chief rescue officer coordinating the effort even if he is not a cave rescue expert.

[Cave rescue for Thai soccer team has no easy solution | CBC News](#)

No excuse for the pedo comment and there's a reason we have libel law. But some are commenting out of anger just like Elon did and their comment shows as they twist and extend the fact that is not established to paint a more negative picture of Elon in the preceding event prior to his heated and libelous exchange with Unsworth.

On people dissing that the submarine would not have fit. If you follow Elon's tweet he recognized that there are narrow spot as he was shown the map and is aware of the dimensions and limitations. It might not be practical for the plan they were going with but they did use stretcher which is about the same size. The submarine is small. They've used pulley in drop zone for the stretcher which could also be used on the submarine. The submarine was meant to be used because of fear that some of the kids might be too weak to use scuba gear and swim.

Unsworth was clearly pissed as the press pressed him on what he thought of Elon's "useless" submarine and how Elon got kicked out for supposedly being a bother. The former is still disputed and the latter is being used to suggest he was in the way hampering the rescue effort. That was not the case. But the way questions were being asked to Unsworth makes it seems like Elon is stealing their spotlight and parachuting in with a useless submarine.

Is Elon a narcissist? A narcissist only cares about himself. He would not have donated to charities like Sierra Club and sacrificed his fortune to risk it at Tesla and other clean energy company. He is already rich and did not need to take on the oil companies who have billions in profit that can be used to ruined him. What Elon is might be sensitivity to being criticized or being short tempered on what he deem is unfair criticism. This might have to do with him being bullied as a kid. [Elon Musk turns 47 today — here's the incredible story of how he went from getting bullied in school to the most interesting man in tech](#)

Edited: to expand on some points and respond to Elon being a narcissist,

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Petra Dudaskova, Student, interested in engineering, hobby indoor skydiver  
Answered Jul 18, 2018 · Author has 62 answers and 118.3k answer views

I think Jeremy Arnold's answer explains Musk's actions during the Thai rescue mission well eventhough I disagree with the political part of his answer.

But

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suck his submarine where it hurts" and just doing "a PR stunt" and could have considered a legal action against him too.

**But he didn't.**

Everyone here is talking about Musk and how he called the diver a "pedo guy" but it seems no one notices that Unsworth actually attacked Musk first.

Calling someone a pedo guy is bad and Musk should have used different words and maybe not tweet when angry, but I understand his anger. Imagine trying to help and sending your people to the place of action and some British guy tells you to "shove your submarine up your ass". I think many people would get really angry.

**Both men should have better thought about the words they used but don't try to defend the British diver. He's not the victim. He has his part on the whole "pedo guy-thing" and should apologize too.**

12.8k views · View 68 Upvoters



Gary Stillman, Senior Software Developer at NVIDIA

Answered Jul 22, 2019 · Author has 69 answers and 33.9k answer views

**Why was Elon Musk at the Thai cave rescue?**



Elon Musk has tweeted that he visited the Thai rescue operation but did not share images of himself at the site

Tech entrepreneur Elon Musk's attempt to help the Thai cave rescue mission has attracted both praise and criticism.

The SpaceX and Tesla chief posted on social media that he had visited the operation's command centre, where he said he had left a mini-submarine that had been designed to carry a trapped football team to safety.

The head of the rescue mission thanked Mr Musk for his offer.

But he said the sub could not be used.

"The equipment they brought to help us is not practical with our mission," Narongsak Osotthanakorn explained.

"Even though their equipment is technologically sophisticated, it doesn't fit with our mission to go in the cave."

Thai Navy Seals subsequently announced that all 12 boys and their coach had been brought out safely.

Mr Musk [has since tweeted an email from Richard Stanton](#) - one of two British caving experts called in to front the rescue - which had urged the business leader to build the capsule as quickly as possible.

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He followed with several posts speculating about possible technical solutions to the problem. These included a [proposal for an air tube](#) that could be inflated "with air like a bouncy castle", which he suggested could let the cut-off party walk to freedom.

Mr Musk ultimately settled on turning part of one of SpaceX's Falcon rockets into a "kid-size submarine", and he posted videos of its tests online.

When questioned whether the craft risked blocking a tight section of the tunnel system, [he replied that his engineers had built an inflatable replica](#) of the craft, which could be used to check that this would not happen.

He added that a [smaller version was also being built](#).

"Based on extensive cave video review and discussion with several divers who know [the] journey, SpaceX engineering is absolutely certain that mini-sub can do entire journey and demonstrate at any time," [he posted](#).

Although the craft was not needed, Mr Musk has said that he has left the mini-sub with the Thai authorities "in case it may be useful in the future".

The billionaire has form with making eye-catching humanitarian acts.

Last year, he was thanked by Puerto Rico's governor for setting up a solar panel and battery system to provide power to a children's hospital in San Juan after it was hit by a hurricane.

But while his most recent intervention has won him praise from some, others have questioned his motivations and suggested he might even have been a distraction.

"Elon Musk is well known to have an eye for the headlines, but to be fair he only became involved after a message from one of his army of fans on Twitter," commented the BBC's technology correspondent Rory Cellan-Jones.

"The fact that his company's space technology and its much vaunted tunnelling skills proved irrelevant to the operation is a reminder that sometimes this tech superhero doesn't quite match up to the Iron Man of his fans' dreams."

187 views · View 1 Upvoter · Answer requested by Ranjan Dailata



Chuck Bluestein, works at Self-Employment

Answered Jul 18, 2019 · Author has **1.9k** answers and **308.1k** answer views

I will keep it short. I think that none of this would have if this was not said "He can stick it where it hurts." This is nice way of saying a nasty thing that refers to something profane. So this guy started it and Musk finished it. I think the billionaire has enough money to check out Unsworth. It sounded like Musk found out something and it was okay to challenge Unsworth. He said he would sue Musk but he has not. So he has proved himself to be a liar! Of course if he did sue Musk, he can use truth as his defense and would have proved that guy did something illegal.

The reason that so many hate Musk is that he is trying to save the world by reducing the burning of fossil fuels that creates a gas that can kill someone in 5 minutes in a closed garage. A lot of people make a lot of money doing this so do not want Musk doing what he is trying to do. They drive a lot of gas cars in Beijing. See:

[Does breathing the air of Beijing have the same health risks as smoking 40 cigarettes a day?](#)

[Was Porsche's first car, in 1898, electric?](#)

116 views



Devan Bhalla, School & Student Manager at Univariety (2012-present)

Answered Jul 19, 2018 · Author has **129** answers and **203.3k** answer views

[Elon Musk's involvement majorly came out as a PR stunt. With many of his tweets on social media the headline read a tale of good intentions and bad tweets.](#)

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Here's how it all unfolded.

1. <http://blog.univariety.com/what-...>
2. [Elon Musk and the Thai cave rescue: a tale of good intentions and bad tweets](#)

6k views · View 4 Upvoters



Charlie Douglas  
Answered Jul 18, 2018

It doesn't matter what he did or was going to do. Adults don't call other adults pedos unless you have actual substance behind the claim. Of all the corruption and actual pedo crimes going on, Elon looks less of a trustworthy character to the American public. All this over a rocket that wasn't used. Again, it does not matter what the reason or context comes from if it's false and unfair accusation. And if some other kid uses his as a "well Trump does XYZ" then you're part of the problem, not the celebrity.

6k views · View 12 Upvoters · View Sharers



Stacy Kerr  
Answered Jul 18, 2018

So, Elon should filter his humanity and hire a PR person so that we don't see his flaws? Really? We all have them, and I'll take the human over a POS hiding behind someone who runs every thought up a flagpole before commenting. That's the problem with Americans - they want everyone and everything to be pretty, even if it's BS. Welcome to Panem!

1.1k views · View 4 Upvoters

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What do you think of "Elon Musk Has Finally Apologized to the Thai Cave Diver He Called a 'Pedo'"?

## **EXHIBIT 47**

## **EXHIBIT 47**

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**DEFENDANT ELON MUSK'S  
NOTICE OF MOTION AND  
MOTION TO DISMISS PLAINTIFF  
VERNON UNSWORTH'S  
COMPLAINT; MEMORANDUM OF  
POINTS AND AUTHORITIES**

Date: April 1, 2019

Time: 1:30 p.m.

Place: Courtroom 10A

Complaint Filed: Sept. 17, 2018

Trial Date: None set



**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE THAT** on April 1, 2019, at 1:30 p.m., or as soon thereafter as may be heard, in Courtroom 10A (10th Floor) of the above-entitled Court, located in the First Street Courthouse, 350 W. 1st Street, Los Angeles, California 90012, Defendant Elon Musk will and hereby does move the Court for an Order dismissing Plaintiff Vernon Unsworth's Complaint. This Motion is based on this Notice of Motion, the Memorandum of Point and Authorities filed herewith, the pleadings and papers filed in this action, and such other matters as may be presented to the Court at the time of the hearing.

Elon Musk makes this Motion on the grounds that the statements identified in Vernon Unsworth's complaint are not actionable.

This Motion is made following the conference of counsel pursuant to L.R. 7-3, which took place on December 18, 2018.

Dated: December 26, 2018

HUESTON HENNIGAN LLP

By: /s/ Moez M. Kaba

Moez M. Kaba  
Attorneys for Defendant Elon Musk

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## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION & BACKGROUND**

In June and July 2018, Elon Musk and numerous others at SpaceX, the Boring Company, and Tesla, sought to help rescue twelve boys who were trapped in one of Thailand's caves. (Compl. ¶¶ 23-25.) Many individuals, including representatives of the Thai government, other officials, and members of the public, confronting the prospects of an unfathomable tragedy, looked to Musk—who is known for pioneering revolutionary transportation technologies at his companies Tesla, SpaceX, and the Boring Company—for help.

Within hours of being in communication with Thai officials, Musk directed Tesla, SpaceX, and the Boring Company (which specializes in tunneling and construction) engineers to develop potential solutions to provide assistance to the rescue.<sup>1</sup> And soon after, Musk sent the first of what would be several engineers to Chiang Rai. Dozens of engineers, and Musk himself, doubled down on their work, sacrificing their familial obligations and cancelling vacations, so that they could help the cave rescue efforts.<sup>2</sup> The team worked countless hours each day for days on end, deploying the knowledge they had gained through years of developing unprecedented transportation systems. Aware of the time constraints, the team developed a groundbreaking miniature submarine that could carry the children to safety. The development efforts included not just developing rescue equipment but also providing resources for pumping water in order to provide additional capacity to keep up with oncoming rains (including delivering ground sump pumps, Tesla Powerwalls, and securing extremely high capacity pumps in Europe), and surveying in order to increase air flow into the cave and drain water out (including delivering

<sup>1</sup> Justin Wise, *Elon Musk Sends Engineers to Help Thai Cave Rescue Mission*, THE HILL (July 6, 2018).

<sup>2</sup> Chelsea Gohd, *Elon Musk Sends SpaceX Engineers to Aid Soccer Team Trapped in Thai Cave*, SPACE.COM (July 6, 2018).

(Continued...)



1 underwater surveying equipment and arranging for sonar scanners and a 3D laser  
2 tracker).<sup>3</sup>

3 In developing their rescue vehicle, Musk communicated directly with Richard  
4 Stanton who co-led the dive rescue team and provided Musk with details and  
5 specifications. (Declaration of Moez M. Kaba, filed herewith, (“Kaba Decl.”) Ex. 1  
6 (E-mail exchange between Musk and Stanton.)) Other members of Musk’s team  
7 communicated with divers and other military officials on the ground, and  
8 incorporated their feedback in designing the rescue equipment. Stanton explicitly  
9 urged Musk to “continu[e] with the development of this system” as “it may well be  
10 used.” (*Id.*)

11 In addition to other SpaceX, Tesla, and the Boring Company employees who  
12 traveled to Thailand, Musk himself put his professional and personal obligations on  
13 hold to travel to Thailand to speak to rescuers on the ground and help in any way  
14 possible. As reported in the Thai press, Musk was greeted at the airport by the Thai  
15 Prime Minister who asked him to provide equipment “that could help Thailand in the  
16 future.”<sup>4</sup> Members of the Thai Army and Navy also greeted Musk and his team at the  
17 airport and invited them to the cave rescue site.

18 On July 10, the children were rescued. In reaction, Musk tweeted: “Great  
19 news that they made it out safely. Congratulations to an outstanding rescue team!”  
20 Although it was ultimately not used in the rescue operation, the mini-submarine  
21 developed by Musk and his team of volunteers was given to the Thai Navy SEAL  
22 team for use in future rescue missions. SpaceX engineers spent additional time in  
23 Thailand training members of the Thai Navy to use the mini-submarine.<sup>5</sup>

25 <sup>3</sup> Ashley Wong, *Elon Musk Sends an ‘Escape Pod’ to Help in Thailand Cave Rescue*,  
26 USA TODAY (July 9, 2018).

27 <sup>4</sup> Wasamon Audjarint & Kornrawee Panyasuppakun, *PM: Musk ‘Keen to Invest in  
Thailand’*, THE NATION (July 11, 2018).

28 <sup>5</sup> Muktitu Suhartono & Julia Jacobs, *Thai Navy May Put Elon Musk’s Mini-  
Submarine to Use. One Day.*, THE NEW YORK TIMES (July 12, 2018).

1 Musk and engineers from his companies were singularly focused on assisting  
 2 the rescue efforts in any way they could. Yet, Plaintiff Vernon Unsworth decided to  
 3 gratuitously attack them and insult their contributions. Unsworth appeared on CNN  
 4 and, for reasons unknown, decided to pick a fight with Musk in spectacularly public  
 5 fashion. (Complaint, ¶ 71.) Despite having never met Musk, Unsworth began  
 6 striking at Musk and his colleagues. (*Id.*) Unsworth called Musk’s efforts a “PR  
 7 stunt” that had “absolutely no chance of working.” (*Id.*) He also advised Musk to  
 8 “stick his submarine where it hurts.” (*Id.*)

9 Contrary to Unsworth’s assertions, the Thai Government appreciated Musk’s  
 10 and his team’s help. The Prime Minister of Thailand wrote to Musk to “convey [his]  
 11 deep appreciation to [Musk] and [his] engineering team for [their] expeditious and  
 12 extraordinary efforts in constructing the Space-X mini-submarine “Wild Boar” to  
 13 assist the rescue operation...” (Kaba Decl., Ex. 2 (Letter from Prime Minister to  
 14 Musk).) The Prime Minister commented that he was “particularly touched” that  
 15 Musk “personally travelled to Thailand to deliver the ‘Wild Boar’ Space-X mini-sub,  
 16 which was made possible through [his] expertise and the cooperation with various  
 17 experts involved with this highly complicated and urgent rescue operation.” (*Id.*)

18 Similarly, the Royal Thai Army Special Forces commended Musk and  
 19 SpaceX’s efforts, writing:

20 I would like to express to you and all the SpaceX members my sincerest  
 21 appreciation and gratitude for your support during the “Operation Wild  
 22 Boars.” You will be in our memory and our hearts that once you are one  
 23 who made the impossible mission possible. From what you did really  
 24 give us hope and made us believe in humanity. We will be very pleased  
 to welcome you as our guest when you come to visit Thailand  
 again. Thank you so much from our hearts.

25 (Kaba Decl., Ex. 3 (Letter from Royal Thai Army Special Forces to Musk).) The  
 26 Royal Thai Army further issued a Special Warfare Command Certificate to Musk  
 27 and his team in recognition of their assistance. (Kaba Decl., Ex. 4 (Royal Thai Army  
 28

1 Certificate).)

2       These facts did not deter Unsworth from berating Musk and the selfless work  
3 of the engineering team he had assembled. Shocked by Unsworth's indefensible and  
4 baseless attacks, Musk answered to defend himself and the efforts of SpaceX, Tesla,  
5 and the Boring Company employees who had given up their days and nights to help  
6 find a solution. (Complaint, Ex. B, p. 28.) Musk took to Twitter—a social  
7 networking website infamous for invective and hyperbole—to respond. (*Id.*) Musk,  
8 unaware even of Unsworth's name, tweeted that he had never met the “dude” from  
9 CNN, but was nonetheless determined to prove him wrong. (*Id.* ¶ 75.) He vowed to  
10 demonstrate that his submarine could navigate the caves “no problemo.” (*Id.* ¶ 76.)  
11 And just like Unsworth did, Musk tacked on a gratuitous barb. (*Id.*) Referencing  
12 Thailand's documented reputation, Musk said that Unsworth was “sus” for being a  
13 “British expat guy who lives in Thailand.” (*Id.* ¶ 73.) Later, referring back to these  
14 suspicions, Musk dubbed Unsworth “pedo guy.” (*Id.* ¶ 76.)

15       The public knew from the outset that Musk's insults were not intended to be  
16 statements of fact; indeed many wondered aloud why Unsworth attacked Musk's  
17 efforts in the first place. Unsworth himself claims that Musk was criticized for  
18 making accusations “*without any evidence.*” (*Id.* ¶ 80 (emphasis added).)

19       Musk moved on and decided to end the war of words. He deleted his prior  
20 tweets about Unsworth and publicly apologized. (*Id.*) Musk tweeted that his initial  
21 remarks had been impulsive—“spoken in anger”—and that Unsworth's offensive  
22 comments did “not justify” Musk's outburst. (*Id.*)

23       Then Unsworth's lawyer entered the fray. (*Id.* ¶ 82.) Like Musk, Unsworth's  
24 lawyer also chose to communicate on the rough-and-tumble Twitter platform,  
25 chiding Musk and telling him to “check his mail before tweeting.” (*Id.* ¶ 87.) To  
26 this public tweet, Unsworth's lawyer attached a picture of a demand letter that he  
27 allegedly sent Musk days earlier. (*Id.* Ex. H, p. 40.) In that letter, Unsworth's  
28 lawyer escalated the rhetoric and used words Musk never did. He claimed that Musk

1 had accused Unsworth of engaging in “sexual exploitation of Thai children.” (*Id.*)<sup>6</sup>

2 Unsworth and his team’s efforts to stir the pot worked. Media coverage  
3 reached a fever pitch, with numerous outlets reaching out to Musk for comment on  
4 Unsworth’s lawyer’s Twitter jabs.

5 Musk did not respond publicly. Instead, he sent an “[o]ff the record” e-mail  
6 responding to BuzzFeed’s inquiry and chewing out the journalist. (*Id.* Ex. K, p. 56.)  
7 As part of his insults, Musk included a hyperlink to a Google search of “Chiang Rai  
8 child trafficking.” (*Id.*) Musk theorized that Chiang Rai “isn’t where you go for  
9 caves, it’s where you go for something else.” (*Id.*) Culminating this long wind up,  
10 Musk caricatured Unsworth as having a “child bride who was about 12 years old.”  
11 (*Id.* ¶ 88.) Musk closed by answering Unsworth’s lawyer’s threat: “I hope he  
12 fucking sues me.” (*Id.*)

13 Even though Musk designated the e-mail as “[o]ff the record,” the BuzzFeed  
14 journalist decided to publish it anyways. (*Id.* Ex. K, p. 55.) The journalist described  
15 Musk’s bombast as “evidenceless criticism” of Unsworth. (*Id.* p. 55-56.). While  
16 many readers criticized Musk for lodging what they understood to be groundless  
17 accusations (and criticized Unsworth for disparaging Musk and his team’s efforts to  
18 help), not a single reader seemed to construe Musk’s statements literally. (*See, e.g.,*  
19 *id.* Ex. J, pp. 49-50.)

20 Shortly thereafter Unsworth filed this lawsuit, claiming that Musk’s statements  
21 were defamatory. Musk now moves to dismiss.

22 This motion boils down to a single question: Accepting Unsworth’s well-  
23 pleaded allegations as true, would a reasonable reader believe that Musk’s statements  
24 were supported by objective facts or were instead “nonactionable opinion”? *Gardner*

25  
26  
27 <sup>6</sup> To further publicize the dispute, Unsworth’s lawyer “tagged” journalists from  
28 BuzzFeed (@RMac18), TechCrunch (@yoda), and FemaleOneZero (@TijenOnaran). *See* L. Lin Wood (@LLinWood), Twitter (Aug. 29, 2018),  
<https://twitter.com/llinwood/status/1034761900100407296?lang=en>.



1 *v. Martino*, 563 F.3d 981, 987 (9th Cir. 2009); *see also id.* (explaining that the  
 2 “threshold question” in any “defamation claim is whether a reasonable factfinder  
 3 could conclude that the contested statements implies an assertion of objective fact”).

4 A statement is one of objective fact only if the reasonable reader would  
 5 believe that the speaker possesses underlying information to support it. *See, e.g.,*  
 6 *Standing Committee on Discipline of U.S. Dist. Ct for C.D. Cal. v. Yagman*, 55 F.3d  
 7 1430, 1441 (9th Cir. 1995) (explaining that a statement “is not actionable” unless the  
 8 speaker is “claiming to be in possession of objectively verifiable facts”). Here, the  
 9 reasonable reader would not have believed that Musk—without having ever met  
 10 Unsworth, in the midst of a schoolyard spat on social media, and from 8,000 miles  
 11 afar—was conveying that he was in possession of private knowledge that Unsworth  
 12 was sexually attracted to children or engaged in sex acts with children. *See Torain v.*  
 13 *Liu*, 2007 WL 2331073, at \*3 (S.D.N.Y. Aug. 16, 2007), *aff’d*, 279 F. App’x 46 (2d  
 14 Cir. 2008) (framing the inquiry in a similar defamation case as whether “an informed  
 15 listener would think that defendant was accusing plaintiff of being a pedophile based  
 16 on some undisclosed information known only to him”). Musk’s statements were thus  
 17 necessarily just imaginative attacks; even if offensive, such speculative insults are by  
 18 their nature opinion and protected by the First Amendment.

19 Context drives the inquiry into whether the reasonable reader would infer  
 20 Musk to possess a factual basis for his claims. *See Knieval v. ESPN*, 393 F.3d 1068,  
 21 1075 (9th Cir. 2005). The reasonable reader doesn’t take everything literally: he can  
 22 spot “lusty and imaginative expressions of contempt,” *Considering Homeschooling*  
 23 *v. Morningstar Educ. Network*, 2008 WL 11413459, at \*3 (C.D. Cal. Aug. 6, 2008)  
 24 (citation omitted); he knows that disputing parties are very likely to include  
 25 unsubstantiated charges against one another, *Info. Control Corp. v. Genesis One*  
 26 *Computer Corp.*, 611 F.2d 781, 784 (9th Cir. 1980); he recognizes that there is a set  
 27 of “short-hand phrases and language [that is] not generally found in fact-based  
 28 documents,” *Global Telemedia Int’l, Inc. v. Doe 1*, 132 F. Supp. 2d 1261, 1264 (C.D.

Cal. 2001); and he expects internet speakers to “play fast and loose with facts,”  
*Summit Bank v. Rogers*, 206 Cal. App. 4th 669, 696 (2012) (citation omitted).

Unsworth’s complaint demonstrates that the reasonable reader would not—and indeed did not—make such a leap. The reasonable reader was aware: Musk and Unsworth never met (Compl. Ex. B, p. 28.); Unsworth disparaged Musk out of the blue and over the public airwaves (*id.* ¶ 71.); and Musk hit back with vituperative internet insults trading on Thailand’s reputation (*id.* Ex. D, p. 32.). And actual readers—as revealed by comments in exhibits attached to Unsworth’s Complaint—contemporaneously recognized Musk’s comments for what they were: over-the-top insults not driven by first-hand knowledge. (*Id.* Ex. J, p. 49.)

In short, the reasonable reader would distinguish Musk’s statements from those in which factual information about child sex abuse is conveyed. Musk’s off-the-cuff tweets and e-mails differed in kind from, for example, a Boston Globe Spotlight exposé, a university press conference, or a criminal complaint.

For these reasons and as set forth below, Unsworth’s suit should be dismissed.

## II. LEGAL STANDARD

A Federal Rule of Civil Procedure 12(b)(6) motion to dismiss is a challenge to the sufficiency of the pleadings set forth in the complaint. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Although a Court must accept well-pleaded factual allegations as true, a court is not required to “accept any unreasonable inferences or assume the truth of legal conclusions.” *Brown v. Elec. Arts, Inc.*, 724 F.3d 1235, 1248 (9th Cir. 2013) (citation omitted).<sup>7</sup>

If the plaintiff fails this standard and “it is clear that the complaint could not be saved by any amendment,” he need not be given leave to amend. *Livid Holdings Ltd.*

<sup>7</sup> For purposes of this motion to dismiss, Musk therefore assumes the truth of the allegations in the complaint and is not asking the court to consider his state of mind or any information known to him. See *Flowers v. Carville*, 310 F.3 1118, 1131 (9th Cir. 2002) (discussing the actual malice standard).

1 *v. Salomon Smith Barney, Inc.*, 416 F.3d 940, 946 (9th Cir. 2005); *see also ZL*  
 2 *Techs., Inc. v. Gartner, Inc.*, 709 F. Supp. 2d 789, 801 (N.D. Cal. 2010), *aff'd*, 433 F.  
 3 App'x 547 (9th Cir. 2011) (dismissing defamation claim against non-actionable  
 4 statements with prejudice and collecting cases that did the same).

### 5 **III. ARGUMENT**

6 The “threshold question” in any “defamation claim is whether a reasonable  
 7 factfinder could conclude that the contested statement implies an assertion of  
 8 objective fact.” *Gardner*, 563 F.3d at 987 (citations omitted). This inquiry “is a  
 9 question of law” susceptible to Rule 12(b)(6) challenge. *Id.* at 986. Here, even  
 10 accepting Unsworth’s allegations as true, no reasonable factfinder would conclude  
 11 that Musk’s statements were assertions of objective fact.

#### 12 **A. Unsworth must prove that the reasonable reader would believe** 13 **Musk possessed private facts implicating Unsworth as a pedophile**

14 Only false statements *of fact* can be defamatory. *See, e.g., Gardner*, 563 F.3d  
 15 at 986. This is because “[u]nder the First Amendment there is no such thing as a  
 16 false idea.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974). No matter how  
 17 “pernicious an opinion may seem, we depend for its correction not on the conscience  
 18 of judges and juries but on the competition of other ideas.” *Id.* It is the plaintiff’s  
 19 burden to make this showing: in a defamation case, “to survive a motion to dismiss, a  
 20 plaintiff must establish both that the words about which they complain are  
 21 reasonably capable of sustaining a defamatory meaning, and that they are not mere  
 22 comment within the ambit of the First Amendment.” *Troy Group, Inc. v. Tilson*, 364  
 23 F. Supp. 2d 1149, 1152 (C.D. Cal. 2005) (citations omitted).

24 A statement of fact is one that is reasonably understood to be supported by  
 25 underlying and undisclosed first-hand information. *See, e.g., Yagman*, 55 F.3d at  
 26 1441 (explaining that a statement “is not actionable” unless the speaker is “claiming  
 27 to be in possession of objectively verifiable facts”); *Mirage Ent., Inc. v. FEG*  
 28 *Entretenimientos S.A.*, 326 F. Supp. 3d 26, 38 (S.D.N.Y. 2018) (finding a statement

1 non-actionable because the speaker “did not imply that she knows certain facts,  
 2 unknown to the audience, which supported her opinion” (citation and alteration  
 3 omitted)). This requirement makes sense: if a reader would not think a statement  
 4 was backed by objective, verifiable fact, then the statement can be nothing other than  
 5 “an interpretation, a theory, conjecture, or surmise.” *Yagman*, 55 F.3d at 1441.

6 Courts have consistently held imaginative insults—no matter how repugnant—  
 7 are nonactionable so long as a reasonable reader would not believe them to be  
 8 backed by objective fact. *See, e.g., Torain*, 2007 WL 2331073, at \*1 (statement that  
 9 plaintiff was a “sick racist pedophile” was nonactionable because “no reasonable  
 10 person would have believed that defendant was conveying a fact about plaintiff—*i.e.*,  
 11 that plaintiff was engaging in acts of pedophilia”); *Krinsky v. Doe 6*, 159 Cal. App.  
 12 4th 1154 (2008) (statement that plaintiff “has poor feminine hygiene” was not  
 13 defamatory because “nothing in this [statement] suggested that the author was  
 14 imparting knowledge of actual facts to the reader”); *Tipping v. Martin*, 2016 WL  
 15 397088, \*2-3 (N.D. Tex. Feb. 2, 2016) (statement that plaintiff was a “whore” and  
 16 “journalist slut” was nonactionable because the audience would not have believed the  
 17 speaker to have had “any knowledge concerning [the plaintiff’s] personal life or the  
 18 quality of her work as a journalist”); *cf. Hustler Mag., Inc. v. Falwell*, 485 U.S. 46,  
 19 48 (1988) (noting that a cartoon depicting plaintiff as having “a drunken incestuous  
 20 rendezvous” was “doubtless gross and repugnant” but “could not reasonably have  
 21 been interpreted as stating actual facts”).

22 The question here is thus a narrow one: Did Musk’s statements signal that he  
 23 was in possession of additional undisclosed facts about Unsworth showing that  
 24 Unsworth was sexually attracted to children or had engaged in sex acts with  
 25 children? *See Torain*, 2007 WL 2331073, at \*3 (framing the inquiry in a similar  
 26 defamation case as whether “an informed listener would think that defendant was  
 27 accusing plaintiff of being a pedophile based on some undisclosed information  
 28 known only to him”).



Although Unsworth attempts to make this essential showing by pleading it in his Complaint,<sup>8</sup> he cannot plead “legal conclusions.” *See Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2014). And as demonstrated below, the “facts” alleged in Unsworth’s Complaint fall short of “plausibly” establishing his legal theory. *Id.*

**B. In context, Musk’s statements cannot reasonably be read as asserting underlying knowledge that Unsworth was a pedophile**

To determine whether a statement is factual, courts consider “the totality of the circumstances in which it was made.” *Underwager v. Channel 9 Austl.*, 69 F.3d 361, 366 (9th Cir. 1995). This inquiry is driven by “context.” *Knieval*, 393 F.3d at 1075. “What constitutes a statement of fact in one context may be treated as a statement of opinion in another, in light of the nature and content of the communication taken as a whole.” *Gregory v. McDonnell Douglas Corp.*, 552 P.2d 425, 428 (Cal. 1976).

Context is therefore “paramount” and can alone “be dispositive.” *Knieval*, 393 F.3d at 1075; *accord Koch v. Goldway*, 817 F.2d 507, 509 (9th Cir. 1987) (“Context does resolve the matter.”); *see also Brahms v. Carver*, 33 F. Supp. 3d 192, 198 (E.D.N.Y. 2014) (“The upshot is that context is key.”).

Such is the case here. Considering the “totality of the circumstances,” *Underwager*, 69 F.3d at 366, Musk’s statements check nearly all the boxes that courts consider when making similar fact-versus-opinion determinations. His statements are: (1) cast on a turbulent internet forum (Compl. ¶ 73); (2) part and parcel of a personal and legal dispute (*id.*); (3) presented as personal commentary about disclosed facts (*id.* ¶ 76); (4) intended as acerbic insults (*id.* ¶ 80); (5) full of informalities (*id.* ¶ 76); (6) couched in terms conveying uncertainty (*id.* ¶ 83); and (7) interpreted as opinion by those who received the statement (*id.* at Ex. J, p. 49-50).

1. *Statements on unmoderated Internet forums are presumptively*

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<sup>8</sup> Compl. ¶ 139 (alleging that Musk “conveyed to the world that he was in possession of undisclosed false and defamatory facts proving Mr. Unsworth to be guilty of the accusations Musk lodged against him”).

1 *opinion*

2 Musk's statements—all made online through Twitter and e-mail—receive a  
3 presumption of First Amendment protection. Internet speech is unique. “Unlike  
4 many traditional media, there are no controls on [internet] postings.” *Global*  
5 *Telemedia*, 132 F. Supp. 2d at 1264. “The low barrier to speaking online allows  
6 anyone with an Internet connection to publish his thoughts, free from the editorial  
7 constraints that serve as gatekeepers for most traditional media of disseminating  
8 information.” *Sandals Resorts Int’l Ltd. v. Google, Inc.*, 925 N.Y.S.2d 407 (2011).

9 Reasonable readers discount internet speech accordingly. They “expect to see  
10 strongly worded opinions rather than objective facts.” *Summit Bank*, 206 Cal. App.  
11 4th at 697. And they know that “online discussions” are “more like a vehicle for  
12 emotional catharsis than a forum for the rapid exchange of information.” *Krinsky*,  
13 159 Cal. App. 4th at 1163; *see also Summit Bank*, 206 Cal. App. 4th at 696  
14 (explaining that “any reader” familiar with internet culture knows that posters “play  
15 fast and loose with facts” (citations omitted)).

16 A statement made on an unmoderated internet forum therefore comes with a  
17 heavy thumb on the scale favoring opinion. *See Summit Bank*, 206 Cal. App. 4th at  
18 696 (explaining that the reader “should be predisposed to view [such statements]  
19 with a certain amount of skepticism, and with an understanding that they will likely  
20 present one-sided viewpoints rather than assertions of provable facts”); *Doe v.*  
21 *Cahill*, 884 A.2d 451, 465 (Del. 2005) (explaining that internet forums are “vehicles  
22 for the expression of opinions; by their very nature, they are not a source of facts or  
23 data upon which a reasonable person would rely”).

24 The presumption is particularly strong here because Twitter was the  
25 gravitational center of this war of words. It is where Musk first responded to  
26 Unsworth’s criticisms and where Unsworth’s lawyer reinvigorated the dispute by  
27 tweeting directly at Musk. (Compl. ¶¶ 73, 87.)

28 Twitter facilitates the exchange of unfiltered opinion. It allows its users to

communicate directly with one another through “tweets”—messages of 140-  
 characters or less—that are not pre-screened by any moderator. *See Oracle Am., Inc.*  
*v. Google Inc.*, 2016 WL 1252794, at \*5 (N.D. Cal. Mar. 25, 2016). As courts  
 recognize, this format breeds informality and incivility. *See United States v.*  
*Bradbury*, 111 F. Supp. 3d 918, 921 (N.D. Ind. 2015) (recognizing Twitter as a place  
 where “a lot of people spout off”); *Jacobus v. Trump*, 51 N.Y.S.3d 330 (N.Y. Sup.  
 Ct.), *aff’d*, 64 N.Y.S.3d 889 (N.Y. App. Div. 2017) (“The informal nature of  
 conversation on Twitter tends to encourage people to talk more freely about others,  
 including the spreading of rumors and potential falsehoods.” (citation omitted)).

Twitter participants therefore expect to read opinions, not facts. *See RainSoft*  
*v. MacFarland*, 2018 WL 4696737, at \*5 (D.R.I. Sept. 30, 2018) (noting that  
 “Twitter meltdowns” are an example of the “non-literal commentary [that has]  
 become an integral part of social discourse” (citation omitted)).

Applying this heavy presumption, courts routinely find that statements of  
 apparent fact assume the character of opinion when posted on unmoderated internet  
 forums generally and on Twitter specifically. *See, e.g., Clifford v. Trump*, 2018 WL  
 4997419, at \*8 (C.D. Cal. Oct. 15, 2018) (treating as “rhetorical hyperbole” a tweet  
 accusing the plaintiff of lying and calling her a “total con job”); *Chaker v. Mateo*,  
 209 Cal. App. 4th 1138, 1142 (2012) (treating as opinion statements on internet  
 message board that the plaintiff is a “deadbeat dad,” “may be taking steroids,” “is  
 into illegal activities,” and “picks up street walkers and homeless drug addicts”);  
*Jacobus*, 51 N.Y.S.3d at 334 (treating as opinion tweets that plaintiff had “begged”  
 for a job and had twice been rejected); *Krinsky*, 159 Cal. App. 4th at 1159 (treating  
 as opinion statements that corporation’s leaders are “crooks” and that its president  
 had “fake medical degree”).

2. *Musk’s statements were made in the midst of a back-and-forth  
 argument and in direct response to personal and legal attacks*

When a statement is made in a “heated and volatile setting, even seemingly

1 ‘factual’ statements take on an appearance more closely resembling opinion than  
 2 objective fact.” *Steam Press Holdings, Inc. v. Haw. Teamsters, Allied Workers*  
 3 *Union, Loc. 996*, 302 F.3d 998, 1006 (9th Cir. 2002). In that setting, the reasonable  
 4 reader will “anticipate efforts by the parties to persuade others to their positions by  
 5 use of epithets, fiery rhetoric or hyperbole, (and thus) language which generally  
 6 might be considered as statements of fact may well assume the character of  
 7 statements of opinion.” *Info. Control Corp.*, 611 F.2d at 784 (citation omitted).

8 A statement is particularly likely to be considered opinion when made in direct  
 9 response to a personal slight. In *Torain v. Liu*, for example, the defendant called the  
 10 plaintiff a “racist pedophile” after the plaintiff had disparaged the defendant’s family  
 11 during a television interview. 2007 WL 2331073, at \*1. The court acknowledged  
 12 that “pedophile” could potentially signify a factual assertion that “plaintiff was  
 13 engaging in acts of pedophilia.” *Id.* at \*3. But because the defendant’s statements  
 14 were “made in direct response to what he considered to be plaintiff’s outrageous and  
 15 offensive on-air comments,” they “were clearly statements of opinion.” *Id.* at \*2.  
 16 Likewise, in *Jacobus*, the defendant’s tweet contained the facially factual assertion  
 17 that he had refused to hire the plaintiff even after she “begged” him for a job. 51  
 18 N.Y.S.3d at 342. That too was considered opinion because it “followed plaintiff’s  
 19 negative commentary about [the defendant],” which “signals to readers that plaintiff  
 20 and [defendant] were engaged in a petty quarrel.” *Id.*

21 This presumption is amplified when legal threats have been made. In that  
 22 setting, reasonable readers know that the speaker is representing just “one side in a  
 23 controversy,” so “they are properly warned to expect that the opinions expressed may  
 24 rest on passion rather than factual foundation.” *Milkovich v. Lorain J. Co.*, 497 U.S.  
 25 1, 33 n.8 (1990) (Brennan, J., dissenting). Thus, statements made in a legal dispute  
 26 by one side about the other are likely to disparage the opponent and are “**highly**  
 27 **unlikely** to be understood by their audience as statements of fact.” *Info. Control*  
 28 *Corp.*, 611 F.2d at 784 (emphasis added); *see also Clifford*, 2018 WL 4997419, at \*8



1 (holding that defendant’s comments were mere “rhetorical hyperbole” when made  
 2 after the plaintiff had “present[ed] herself as [the defendant’s] political adversary”  
 3 and the defendant’s “tweet served as a public rejoinder to [the] allegations made by  
 4 Plaintiff”); *Nicosia v. De Rooy*, 72 F. Supp. 2d 1093, 1101 (N.D. Cal. 1999)  
 5 (explaining that defendant’s statements made on her “personal web-site, and through  
 6 Internet discussion groups, as part of a heated debate concerning a bitter legal dispute  
 7 [in which the plaintiff] has fully engaged” are more likely to be opinion than fact).

8       The reasonable reader of Musk’s statements would have known that they were  
 9 mere “epithets, fiery rhetoric or hyperbole.” *Info. Control Corp.*, 611 F.2d at 784.  
 10 Unsworth set the tone with a crass personal attack, telling Musk to “stick his  
 11 submarine where it hurts.” (Compl. ¶ 71.) Unsworth attacked both Musk’s  
 12 professional reputation and his personal motives for providing humanitarian aid.

13       Musk fought fire with fire. He tweeted insults in direct response to  
 14 Unsworth’s unflattering public comments—a point specifically pleaded by  
 15 Unsworth. (*Id.* ¶ 72 (alleging Musk made his statements because he was “angered by  
 16 Mr. Unsworth’s criticism of [him] in the CNN Interview”).) The reasonable reader  
 17 would understand that this was a “petty quarrel.” *Jacobus*, 51 N.Y.S.3d at 341.

18       Musk’s e-mails to BuzzFeed are likewise a direct rejoinder to Unsworth. They  
 19 came after Unsworth’s lawyer took to Twitter to publish an open letter threatening to  
 20 sue Musk. (Compl. ¶ 87.) Unsworth’s lawyer in fact “tagged” @elonmusk and  
 21 several journalists in the tweet, ensuring that each would receive direct notice of the  
 22 message. (*Id.* ¶ 87 & Ex. 1 at 2; *supra* note 6.) Unsworth’s lawyer then suggested to  
 23 Musk that he “check his mail before tweeting” and made it publicly known that he  
 24 was “in the process of preparing a civil complaint.” (*Id.* Ex. H, p. 40.) It was this  
 25 goading by Unsworth’s counsel that caused the BuzzFeed journalist to e-mail Musk  
 26 for comment. (*Id.* Ex. K, p. 53.)

27       Only *after* these public provocations did Musk respond to BuzzFeed with the  
 28 allegedly defamatory e-mails. (*Id.* ¶¶ 87-92.) But by then, the litigation lines had

1 been drawn. The reasonable reader would know that Musk’s statements might  
 2 “include unsubstantiated charges” and “rest on passion rather than factual  
 3 foundation,” *Milkovich*, 497 U.S. at 33 n.8 (Brennan, J., dissenting), and is therefore  
 4 “**highly unlikely**” to have considered them “statements of fact.” *Info. Control Corp.*,  
 5 611 F.2d at 784. This is particularly so because Unsworth was not standing on the  
 6 sideline. He had his lawyer provoke Musk through Twitter—a tactic that resulted in  
 7 significant media attention and prompted further comment from Musk. *See Nicosia*,  
 8 72 F. Supp. 2d at 1101 (statements were opinion when made in a “heated debate  
 9 concerning a bitter legal dispute” in which the plaintiff was “fully engaged”).

10           3.     *Musk disclosed the basis for his personal opinion: Thailand’s*  
 11                   *documented problems with sex tourism*

12            “[A] speaker who outlines the factual basis for his conclusion is protected by  
 13 the First Amendment.” *Price v. Stossel*, 620 F.3d 992, 1004 (9th Cir. 2010). This is  
 14 because if “the author presents the factual basis for his statement, [it] can only be  
 15 read as his personal conclusion about the information presented, *not as a statement of*  
 16 *fact.*” *Partington v. Bugliosi*, 56 F.3d 1147, 1156 (9th Cir. 1995) (citation omitted).  
 17 In *Carr v. Warden*, for example, members of a city planning commission filed a  
 18 defamation suit against an activist who said the commission’s vote had been  
 19 “bought.” 159 Cal. App. 3d 1166, 1168 (1984). The activist, however, explained his  
 20 basis for this charge was a sudden change in the commission’s position. *Id.*  
 21 (“otherwise, how could you explain a 3-3 vote at one meeting on an issue and then at  
 22 the very next meeting a 6-1 vote?”). Despite the accusation of impropriety, this  
 23 statement was non-actionable because it “disclose[d] the precise facts on which [it]  
 24 was based.” *Id.* at 1170.

25           The same is true here. Musk disclosed the basis for his opinion: he said that  
 26 Unsworth was “sus” for being a “British expat guy who lives in Thailand.” (Compl.  
 27 ¶ 73.) *See, e.g., United States v. Durham*, 902 F.3d 1180, 1261 (10th Cir. 2018)  
 28 (citing congressional committee report that identifies Thailand as a country

1 “experiencing significant problems with sex tourism”).

2 The reasonable reader would make this connection. *See People v. Paniagua*,  
3 209 Cal. App. 4th 499, 521 (2012) (reasoning that the “prosecution did not [need to]  
4 explicitly tell the jury that defendant may have gone to Thailand to have sex with  
5 children” because that “was implicit in the mere mention of Thailand” (alterations  
6 omitted)). Musk’s later statements all build on this theme. (*E.g.*, Compl. ¶ 88.)

7 But while the reasonable reader would infer this point from the combined  
8 effect of Musk’s statements, there is no need for inference: Musk makes the point  
9 explicitly. In Musk’s e-mail to the BuzzFeed reporter, Musk wrote:

10 He may claim to know how to cave dive, but he wasn’t on the cave dive rescue team and most of the actual dive team  
refused to hang out with him. I wonder why ...

11 <https://www.google.com/search?q=chiang+rai+child+trafficking&ie=UTF-8&oe=UTF-8&hl=en-us&client=safari>

12 (*Id.* Ex. K., p. 56.) In other words, Musk asked why was he “suspicious” of  
13 Unsworth? He answers the question with a hyperlink, sharing a Google search of  
14 “Chiang Rai child trafficking.” (*Id.*)<sup>9</sup>

15 Musk made no reference to inside information or first-hand facts as the basis  
16 for his opinion. And the hyperlink posted by Musk signaled to the reader that his  
17 comments were mere opinion. *See, e.g., Nicosia*, 72 F. Supp. 2d at 1103 (reasoning  
18 that the presence of hyperlink meant that the plaintiff “adequately disclosed the facts  
19 underlying her conclusion” and that her statements were therefore opinion).

20 4. *Musk’s over-the-top insults are not statements of fact*

21  
22 \_\_\_\_\_  
23 <sup>9</sup> Hyperlinks are the “twenty-first century equivalent of the footnote for purposes of  
24 attribution in defamation law, because [they have] become a well-recognized means  
25 for an author [on] the Internet to attribute a source.” *Adelson v. Harris*, 973 F. Supp.  
26 2d 467, 484 (S.D.N.Y. 2013), *aff’d*, 876 F.3d 413 (2d Cir. 2017). “Hyperlinking  
signals that an author has relied on underlying facts, which are themselves subject to  
multiple interpretations, and invites the reader to test the reasonableness of the  
author’s interpretation rather than accept it as gospel.” Lyrrisa Barnett Lidsky et al.,  
*Of Reasonable Readers and Unreasonable Speakers: Libel Law in a Networked*  
*World*, 23 Va. J. Soc. Pol’y & L. 155, 165 (2016).

27 Despite the importance of hyperlinks in internet defamation analysis, Unsworth  
28 omitted it from his quotation of Musk’s e-mail in the body of his Complaint.  
(*Compare* Compl. ¶ 88 with *id.* Ex. K, p. 56.)

1       Insults receive bright-line protection under the First Amendment. Therefore  
2 “vigorous epithets” and “lusty and imaginative expressions of contempt” cannot  
3 form the basis of a defamation claim. *Harrell v. George*, 2012 WL 3647941, at \*7  
4 (E.D. Cal. Aug. 22, 2012) (alterations and citations omitted).

5       The more colorful the invective, the more likely the reader is to understand  
6 that it is opinion. Courts trust that “the outrageous and the outlandish will be  
7 recognized for what they are.” *Dworkin v. Hustler Mag. Inc.*, 867 F.2d 1188, 1194  
8 (9th Cir. 1989); *see also id.* (“Ludicrous statements are much less insidious and  
9 debilitating than falsities that bear the ring of truth.”); *Clifford*, 2018 WL 4997419, at  
10 \*8 (“As the United States Supreme Court has held, a published statement that is  
11 ‘pointed, exaggerated, and heavily laden with emotional rhetoric and moral outrage’  
12 cannot constitute a defamatory statement.” (quoting *Milkovich*, 497 U.S. at 32));  
13 *Ollman v. Evans*, 750 F.2d 970, 983 n.25 (D.C. Cir. 1984) (“‘[T]here are some  
14 statements that are in form statements of opinion, or even of fact, which cannot  
15 reasonably be understood to be meant literally and seriously and are obviously mere  
16 vituperation and abuse.’” (quoting Restatement (Second) Torts § 566)).

17       Internet insults are particularly likely to be construed as opinion. *See SIO3,*  
18 *Inc. v. Bodybuilding.com, LLC*, 2008 WL 11348458, at \*10 (D. Idaho May 1, 2008)  
19 (“[I]n the context of Internet postings and the casual dialogue that typically  
20 accompanies such ‘cyber-smackdowns,’ name-calling, hyperbole, and, generally,  
21 juvenile behavior is not unusual; indeed, it is not only expected at times, but often  
22 encouraged.”); *Jacobus*, 51 N.Y.S.3d at 339 (noting that insults “on social media  
23 have been held to warrant an understanding that the statements contained therein are  
24 vigorous expressions of personal opinion, rather than the rigorous and  
25 comprehensive presentation of factual matter” (citation omitted)).

26       Courts therefore routinely find that over-the-top accusations on the internet—  
27 including ones of ostensible fact—are merely insulting opinion. *See, e.g., Chaker,*  
28 209 Cal. App. 4th at 1149 (internet accusation that plaintiff “picks up street walkers



1 and homeless drug addicts and is a dead beat dad” would be “interpreted by the  
2 average Internet reader as [nothing] more than . . . insulting name calling,” mere  
3 “embellishments” meant to convey that the plaintiff is “a dishonest and scary  
4 person”); *Wallace v. Geckosystems Int’l Corp.*, 2013 WL 4054147, at \*7-8 (Del.  
5 Super. Ct. July 31, 2013) (internet accusation that plaintiff committed acts of incest  
6 merely “amount to a scathing personal attack”); *Finkel v. Dauber*, 906 N.Y.S.2d 697  
7 (Sup. Ct. 2010) (internet accusation that plaintiff, among other things, had “sex with  
8 a horse” and “contracted AIDS from a male prostitute” could “only be read as puerile  
9 attempts by adolescents to outdo each other”).

10 Musk’s statements fall comfortably within this rule. They utilize the same sort  
11 of “imaginative” and “non-literal” insults that courts deem opinion. *Knievel*, 393  
12 F.3d at 1074. The reasonable reader would understand that Musk’s over-the-top  
13 assertions—for example, that Unsworth was a “pedo guy” and had “a 12-year old  
14 child bride” (Compl. ¶ 116)—were “obviously . . . intended as a means of ridiculing”  
15 Unsworth. *Krinsky*, 159 Cal. App. 4th at 1177.

16 5. *Musk’s colloquial statements are not reasonably interpreted as*  
17 *statements of facts*

18 Statements that lack the “formality and polish typically found in documents []  
19 which a reader would expect to find facts” are treated instead as opinion.  
20 *ComputerXpress, Inc. v. Jackson*, 93 Cal. App. 4th 993, 1012 (2001) (citation  
21 omitted). To make this determination, courts scrutinize semantics. The less polish a  
22 statement has, the less likely it is to be factual. *See Summit Bank*, 206 Cal. App. 4th  
23 at 699 (finding that a defendant’s failure to “use proper spelling or grammar” showed  
24 that his statement was intended to be a “free-flowing diatribe” and not a statement of  
25 fact); *Global Telemedia*, 132 F. Supp. 2d at 1267 (finding that statements were ones  
26 of opinion because they were full of “short-hand phrases and language not generally  
27 found in fact-based documents, such as corporate press releases or SEC filings”);  
28 *Rocker Mgmt. LLC v. John Does*, 2003 WL 22149380, at \*3 (N.D. Cal. May 29,

2003) (explaining that because a defendant did “not use proper spelling, grammar or capitalization,” that would “suggest to the reader that his messages are statements of opinion rather than fact”).

Musk’s statements were “written with a great deal of linguistic informality.” *Global Telemedia*, 132 F. Supp. 2d at 1269.

- Musk frequently employed colloquialisms. (*See, e.g.*, Compl. ¶ 76 (stating the submarine would work “no problemo”); *id.* ¶ 92 (stating that it’s “total bs” that the submarine wouldn’t work); *id.* ¶ 75 (referring to Unsworth as “this dude”).)
- Musk used shorthand. (*Id.* ¶¶ 73-74 (stating that Unsworth is “sus,” “an abbreviated form of ‘suspicious’”); *id.* ¶¶ 76-77 (referring to Unsworth as “pedo guy,” a “shorthand phrase for the term pedophile”); *id.* ¶ 79 (“Bet ya a signed dollar it’s true.”).)
- Musk used curse words. (*Id.* ¶ 88 (calling the BuzzFeed reporter a “fucking asshole”); *id.* (“I fucking hope he sues me.”).)
- Musk’s statements have typos. (*Id.* ¶ 76 (“We will make one of the mini-sub/pod going [sic] all the way to Cave 5.”).)
- Musk wrote in fragments. (*Id.* ¶ 92 (“Never saw Unsworth at any point.”); *id.* (“Was told he was banned from the site.”).)

This informal style “alert[s] a reasonable reader to the fact that these observations are probably not written by someone with authority or firm factual foundations for his beliefs.” *Global Telemedia*, 132 F. Supp. 2d at 1269.

Compare this to Musk’s measured approach when apologizing for his statements. There, Musk writes in complete sentences and with a restrained and professional tone. (Compl. ¶ 80 (“[H]is actions against me do not justify my actions against him, and for that I apologize to Mr. Unsworth and to the companies I represent as leader. The fault is mine and mine alone.”). The reasonable reader would know which statement to take seriously and which to discount.

1           6.     *Musk’s expressions of uncertainty show that his statements did*  
2                 *not have a concrete factual foundation and were therefore*  
3                 *opinion*

4           Unless a speaker is “claiming to be in possession of objectively verifiable  
5           facts,” his statement is necessarily just “an interpretation, a theory, conjecture, or  
6           surmise” and “is not actionable.” *Yagman*, 55 F.3d at 1441.

7           Not only did Musk never claim to be in possession of such facts, but he was  
8           open that he did not and could not have such facts in his possession:

- 9           • Musk stated that he did not meet Unsworth when they were in Thailand.  
10           (Compl. ¶ 73 (“Never saw [Unsworth] . . . at any point when we were in  
11           the caves.”); *id.* ¶ 92 (“Never saw Unsworth at any point.”).) From then  
12           on, Musk and Unsworth were separated by 8,000 miles and an ocean.
- 13           • Musk demonstrated a lack of familiarity with Unsworth, referring to  
14           him with generic placeholders. (*Id.* ¶ 73 (referring to Unsworth as the  
15           “British expat guy who lives in Thailand”); *id.* ¶ 75 (referring to  
16           Unsworth as “this dude”).)
- 17           • Musk made clear on numerous occasions that his suspicions were just  
18           unverified theories. His statements are flatly inconsistent with the  
19           notion that he possessed first-hand information about Unsworth. (*Id.*  
20           ¶ 79 (“Bet ya a signed dollar it’s true.”); *id.* ¶ 83 (“You don’t think it’s  
21           strange he hasn’t sued me?”); *id.* ¶ 88 (“[M]ost of the actual dive team  
22           refused to hang out with him. I wonder why . . .”).)
- 23           • Musk publicly disavowed his Twitters statements. He deleted the  
24           offending tweets, “apologize[d] to Mr. Unsworth,” and admitted he  
25           overreacted. (*Id.* ¶ 80.)
- 26           • Musk’s BuzzFeed comments over e-mails were expressly not meant to  
27           be relied on as fact, as Musk designated his diatribe “off the record.”  
28           (*Id.* Ex. K., p. 55.)

1 This context shows that Musk’s statements would not have been interpreted as  
2 statements of literal fact. *See Tipping*, 2016 WL 397088, at \*5 (granting defendant’s  
3 motion to dismiss where there were “no allegations that [the defendant] had any  
4 knowledge about Plaintiff before encountering her for the first time at the [event  
5 where he allegedly defamed her], much less any knowledge concerning her personal  
6 life or the quality of her [professional] work”).

7 At most, Musk told others to investigate for themselves. (Compl. ¶ 88 (“I  
8 suggest that you call people you know in Thailand, find out what’s actually going.”);  
9 *id.* Ex. J, p. 47 (“‘Did you investigate at all?’ [Musk] said in a follow-up tweet to [a  
10 Twitter user]. ‘I’m guessing answer is no. Why?’”).) Such suggestions—even if  
11 unreasonable—are not defamatory. *See Brian v. Richardson*, 87 N.Y.2d 46, 53  
12 (1995) (explaining that when “the purpose of defendant’s article was to advocate an  
13 independent governmental investigation,” the “reasonable reader would understand  
14 the statements defendant made about plaintiff as mere *allegations* to be investigated  
15 rather than as *facts*”).

16 7. *Readers did not interpret Musk’s statements as factual assertions*

17 Good evidence of how a “reasonable reader” would view Musk’s statements is  
18 how readers actually did. Those who read and commented on Musk’s comments  
19 uniformly treated them as opinion. The reasonable reader interprets an internet post  
20 alongside its comments. *Global Telemedia*, 132 F. Supp. 2d at 1268 (explaining that  
21 the “reasonable reader” would interpret the statement in question by “looking at the  
22 hundreds and thousands of postings about the company from a wide variety of  
23 posters”); *Feld v. Conway*, 16 F. Supp. 3d 1, 4 (D. Mass. 2014) (“The tweet cannot  
24 be read in isolation, but in the context of the entire discussion.”); *see also Knievel*,  
25 393 F.3d at 1076 (“Just as a reader must absorb a printed statement in the context of  
26 the media in which it appears, a computer user necessarily views web pages in the  
27 context of the links through which the user accessed those pages.”).

28 Therefore when a statement is published alongside commentary doubting its



1 veracity, that statement is more likely to be viewed as opinion. *See Cahill*, 884 A.2d  
2 at 467 (finding that a statement was opinion in part because “a[t] least one reader of  
3 the blog quickly reached the conclusion that Doe’s comments were no more than  
4 unfounded and unconvincing opinion”); *Redmond v. Gawker Media, LLC*, 2012 WL  
5 3243507, at \*6 (Cal. Ct. App. Aug. 10, 2012) (noting that a statement was treated as  
6 opinion by readers “[a]s shown by the comments posted” below the article). Even  
7 limited to the cherry-picked information included in Unsworth’s Complaint, it’s clear  
8 that **none** of Musk’s statements were treated as fact by those who encountered them:

- 9 • Twitter user @yoda wrote to Musk: “one other thing, elon. your  
10 dedication to facts and truth would have been wonderful if applied to  
11 that time when you called someone a pedo.” (Compl. Ex. I, p. 42.)  
12 @yoda also communicated his incredulity when he tweeted: “what i  
13 think is especially strange here is that you’re wondering why  
14 [Unsworth] hasn’t sued you while the rest of us are wondering why you  
15 did something so egregious that he could sue you for in the first place.”  
16 (*Id.* Ex. J, p. 47.)
- 17 • As pleaded by Unsworth, the public criticized Musk for making an  
18 “accusation of pedophilia against Mr. Unsworth without any evidence.”  
19 (*Id.* ¶ 80.)
- 20 • BuzzFeed news titled its article about Musk’s tweets: “Elon Musk Has  
21 Revisited His *Baseless* Pedophile Claims.” (*Id.* Ex. J, p. 44 (emphasis  
22 added).) The article further characterized Musk’s tweets as  
23 “groundless.” (*Id.*) It also notes that the public generally understood  
24 Musk’s statements to be unfounded insults, since Musk “fac[ed]  
25 widespread condemnation” after the tweets. (*Id.*)
- 26 • User comments on the BuzzFeed article were uniformly critical of  
27 Musk. But none appear to have interpreted Musk’s comments as  
28 statements of fact. (*Id.* at p. 49 (“Social media is destroying society!”);

1 *id.* (describing comments as “mind-bendingly stupid”); *id.* (noting that  
2 this isn’t the first time an executive had made “idiotic comments”).)

- 3 • BuzzFeed described Musk’s e-mail as lodging “evidenceless criticism of  
4 the rescuer.” (*Id.* Ex. K, p. 55.)

5 Determining the views of the reasonable reader is simplified when *actual*  
6 readers react. *Cahill*, 884 A.2d at 467; *Redmond*, 2012 WL 3243507, at \*6. While  
7 readers were disappointed in Musk or offended by him, none took his statements as  
8 true. “Context does resolve the matter.” *Koch*, 817 F.2d at 509. Musk’s  
9 statements—when examined in context—were non-actionable opinion.

10 **C. Musk’s Statements are Not Sufficiently Factual to be Susceptible of**  
11 **Being Proved True or False**

12 Even if context here is not dispositive on its own, Musk’s statements constitute  
13 nonactionable opinion because they are not “sufficiently factual to be susceptible of  
14 being proved true or false.” *Underwager*, 69 F.3d at 366. The determination of  
15 whether a statement can be “proved true or false” must account for the context in  
16 which the statement is made; “the fact that [a] literal interpretation could be proven  
17 true or false is immaterial.” *Knievel*, 393 F.3d at 1078. Here, an assessment of  
18 Musk’s statements in context reveals that they are not sufficiently factual to be  
19 susceptible of being proved true or false.

20 *First*, Musk’s conclusions about Unsworth were “inherently subjective”  
21 because they were based on his personal judgment and assessment of the fact that  
22 Unsworth was a British expat who lived in Thailand. *Partington*, 56 F.3d at 1157-58  
23 (“assessments . . . [that] are inherently subjective . . . [are] not susceptible of being  
24 proved true or false”); *Dreamstone Ent. v. Maysalward Inc.*, 2014 WL 4181026, at  
25 \*8 (C.D. Cal. Aug. 18, 2014) (opinion of party’s “subjective state of mind [] is less  
26 susceptible to being proven true or false”); *Mattel, Inc. v. MCA Recs.*, 28 F. Supp. 2d  
27 1120, 1161 (C.D. Cal. 1998) (speaker’s “judgment” is not “susceptible to an  
28 objective determination of truth or falsehood”).

1 In fact, a district court in this circuit considering similar subject matter rejected  
2 a defamation claim on these grounds. The court held that when the defendant stated  
3 she thought the plaintiff corporation was “a front for pedophilia,” that statement was  
4 “not susceptible to empirical testing” because the proof of truth or falsity required an  
5 assessment of what the facts looked like *to the defendant*. *Higher Balance, LLC v.*  
6 *Quantum Future Group*, 2008 WL 5281487, at \*9-10 (D. Or. Dec. 18, 2008). The  
7 same is true here. *See Price v. Viking Penguin, Inc.*, 881 F.2d 1426, 1443 (8th Cir.  
8 1989) (explaining that what constitutes “‘suspicious’ is a matter of opinion”).

9 *Second*, Musk’s claims that Unsworth is “sus” or a “pedo guy” are, at most,  
10 conclusions that are “too loose and hyperbolic” to be proved true or false. *Art of*  
11 *Living Found. v. Does*, 2011 WL 2441898, at \*8 (N.D. Cal. June 15, 2011) (finding  
12 defendant’s conclusion that plaintiff must be a “front-end name for a group of  
13 fraudulent NGOs” that are committing “large-scale organized fraud according to the  
14 laws of several countries” cannot be proven true or false).

15 The “lack of precision” in terms like “sus” and “pedo guy” make them  
16 “incapable of being proven true or false.” *McCabe v. Rattiner*, 814 F.2d 839, 841-42  
17 (1st Cir. 1987) (finding “scam” to be insufficiently precise); *Buckley v. Littell*, 539  
18 F.2d 882, 893 (2d Cir. 1976) (“[T]he use of ‘fascist,’ ‘fellow traveler’ and ‘radical  
19 right’ as political labels in *Wild Tongues* cannot be regarded as having been proved  
20 to be statements of fact.”). And the Ninth Circuit holds that informal terms such as  
21 “pimp”—much like “sus” and “pedo guy”—cannot be proven true or false because  
22 they are nothing more than “sophomoric slang.” *Knievel*, 393 F.3d at 1078. This is  
23 especially true when made, as here, in the context of a website like Twitter that is rife  
24 with sophomoric commentary (*Knievel*, 393 F.3d at 1078 (reading “pimp” in context  
25 of the “satirical, risqué, and sophomoric slang found on the rest of the site”)) and as  
26 part of a “stream of [] rhetoric” (*Lieberman v. Fieger*, 338 F.3d 1076, 1080 (9th Cir.  
27 2003)).

28 Musk’s later comments that Unsworth alleges are defamatory (Compl. ¶¶ 80,

83, 88) are nothing more than a continuation of the same ongoing stream of rhetoric that began with his “sus” and “pedo guy” comments, and therefore are similarly not susceptible to an objective determination of truth or falsehood. In *Mattel*, the court found that the claims of a “crime,” “heist,” and “theft” could not be proven true or false because they were made at a time “where the audience would anticipate efforts by the parties to persuade others to their positions by use of epit[hets], fiery rhetoric, or hyperbole.” 28 F. Supp. 2d at 1161 (citations omitted). Here, Musk’s later comments were all published with reference to his earlier comments that had created an ongoing public debate (Compl. ¶¶ 79-80, 83)—a public debate engaged in and stoked by Unsworth and his team. (*See id.* ¶¶ 82-87.) The fiery context in which Musk’s later comments were made therefore make them insusceptible to an objective determination of truth or falsehood. *See Stolatits v. Hernandez*, 77 N.Y.S.3d 473 (2018) (“[V]iewing the entire series of posts as a whole, as we must, we conclude that the posts constituted an expression of protected opinion.”).

Finally, Unsworth also alleges that Musk’s statement that Unsworth made an “utterly false” claim about Musk is defamatory because it “false[ly] accuses Mr. Unsworth of being a liar.” (Compl. ¶¶ 92-93.) But “lying” is not by itself defamatory because it applies to a “spectrum of untruths including ‘white lies,’ ‘partial truths,’ ‘misinterpretation,’ and ‘deception.’” *Underwager*, 69 F.3d at 367. Where “plaintiff fail[s] to show that the challenged statement implied a verifiable assertion of perjury, [] the statement [is] protected under the First Amendment.” *Gardner*, 563 F.3d at 987; *Clifford*, 2018 WL 4997419, at \*7-8 (rejecting plaintiff’s claim that defendant’s assertions that she had lied was defamatory). Here, the Complaint does not allege that Musk’s accusation that Unsworth’s claim was “utterly false” is a “verifiable assertion of perjury” (Compl. ¶¶ 92, 125-26) and thus Unsworth cannot show that Musk’s “utterly false” comment is actionable.



1 Dated: December 26, 2018

HUESTON HENNIGAN LLP

2  
3 By: /s/ John C. Hueston

4 John C. Hueston  
5 Attorneys for Defendant Elon Musk  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**DECLARATION OF MOEZ M.  
KABA IN SUPPORT OF  
DEFENDANT ELON MUSK'S  
MOTION TO DISMISS PLAINTIFF  
VERNON UNSWORTH'S  
COMPLAINT**

Hearing Date: April 1, 2019

Time: 1:30 p.m.

Place: Courtroom 10A

Complaint Filed: Sept. 17, 2018

Trial Date: None set

**DECLARATION OF MOEZ M. KABA**

I, Moez M. Kaba, declare as follows:

1. I am an attorney at the law firm of Hueston Hennigan LLP, counsel of record in this action for Defendant Elon Musk. I am a member in good standing of the Bar of the State of California and admitted to practice before this Court. I have personal knowledge of the facts set forth in this declaration and, if called to testify, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of an e-mail exchange between Richard Stanton, a British diver who assisted in the cave rescue, and Elon Musk, retrieved on December 26, 2018 from the following link: <https://twitter.com/elonmusk/status/1016684366083190785?lang=en>

3. Attached hereto as Exhibit 2 is a true and correct copy of a letter from the Prime Minister of the Kingdom of Thailand to Elon Musk, dated July 26, 2018.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Sunai Praphuchanay, Lieutenant General in the Royal Thai Army, to Elon Musk, dated July 20, 2018.

5. Attached hereto as Exhibit 4 is a true and correct copy of a "Royal Thai Army Special Warfare Command Certificate" awarded by the Royal Thai Army, to Elon Musk.

Dated: December 26, 2018

HUESTON HENNIGAN LLP

By:       /s/ Moez M. Kaba      

Moez M. Kaba  
Attorney for Defendant Elon Musk

# **EXHIBIT 1 TO KABA DECLARATION**



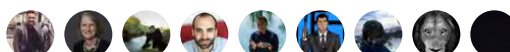


Follow

The former Thai provincial governor (described inaccurately as "rescue chief") is not the subject matter expert. That would be Dick Stanton, who co-led the dive rescue team. This is our direct correspondence:

If it isn't needed or won't help, that would be great to know. Otherwise, it would be very helpful to have as much design direction as possible.

**4,560** Retweets **32,264** Likes



# **EXHIBIT 2 TO KABA DECLARATION**

Office of the Prime Minister,  
Government House,  
**BANGKOK.**

26 July B.E. 2561 (2018)

Dear Mr. Musk,

I wish to convey my deep appreciation to you and your engineering team for your expeditious and extraordinary efforts in constructing the Space-X mini-submarine "Wild Boar" to assist the rescue operation of the Moo Pa Academy Football team trapped in Tham Luang Cave, Chiang Rai Province.

I am particularly touched that you personally travelled to Thailand to deliver the "Wild Boar" Space-X mini-sub, which was made possible through your expertise and the cooperation with various experts involved with this highly complicated and urgent rescue operation. Your initiative and involvement indeed exemplifies the significance of compassion and ingenuity in responding to extremely complex and life-threatening situations. Furthermore, the endeavour of courage and determination by all who took part in this perilous operation, both Thai and foreign, is testament to what can be achieved in the face of seemingly unsurmountable odds. The rescue has inspired people around the world and reaffirmed our faith in the power of solidarity and cooperation in times of crises. Indeed, this historic episode of immediate assistance and resolve demonstrates humanity at its best.

Looking ahead, I hope that you will have a chance to visit Thailand again soon. I believe that there are many opportunities for us to cooperate on, especially on how to harness technology and innovation for the benefit of sustainable development and towards enhancing the well-being of all global citizens.

I would like to extend to you my best wishes for your good health and success.

Yours sincerely,

General  (Ret.)  
(Prayut Chan-o-cha)

Prime Minister of the Kingdom of Thailand

Mr. Elon Musk,  
Chief Executive Officer,  
Space Exploration Technologies Corporation,  
**CALIFORNIA.**

# **EXHIBIT 3 TO KABA DECLARATION**



No. MOD 0485/ 1696



20<sup>th</sup> July 2018

Dear Elon Musk,

I would like to express to you and all the SpaceX members my sincerest appreciation and gratitude for your support during the "Operation Wild Boars". You will be in our memory and our hearts that once you are one who made the impossible mission possible. From what you did really give us hope and made us believe in humanity. We will be very pleased to welcome you as our guest when you come to visit Thailand again. Thank you so much from our hearts.

With utmost gratitude from the Royal Thai Army Special Forces and Thais.

Yours sincerely,

Lieutenant General

*Sunai Praphuchanay*

( Sunai Praphuchanay )

Commanding General,  
RTA, Special Warfare Command

Elon Musk  
CEO of SpaceX  
United States of America

# **EXHIBIT 4 TO KABA DECLARATION**



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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**[PROPOSED] ORDER GRANTING  
DEFENDANT ELON MUSK'S  
MOTION TO DISMISS PLAINTIFF  
VERNON UNSWORTH'S  
COMPLAINT**

Hearing Date: April 1, 2019

Time: 1:30 p.m.

Place: Courtroom 10A

Complaint Filed: Sept. 17, 2018

Trial Date: None set

1 Before this Court is Defendant Elon Musk's Motion to Dismiss Plaintiff  
2 Vernon Unsworth's Complaint. After reviewing and considering the papers filed in  
3 connection with the motion, and hearing the arguments from the parties, the Court  
4 GRANTS Elon Musk's Motion to Dismiss.

5 IT IS HEREBY ORDERED that Plaintiff's Complaint in the above-captioned  
6 case is DISMISSED.

7  
8 Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
9 Hon. Stephen V. Wilson  
Judge, United States District Court



## **EXHIBIT 48**

## **EXHIBIT 48**



Opinion **Elon Musk**

## Elon Musk's weakness for self-promotion masks his potential

The billionaire's meddling in the Thai cave rescue looks like a narcissistic PR stunt

**PILITA CLARK**



Tesla's Elon Musk shocked investors with his belligerent demeanour on an earnings call © AFP

Pilita Clark JULY 13 2018

There has never been anyone quite like [Elon Musk](#) in my lifetime. Other tech billionaires have built extraordinary companies, disrupted industries and launched their own space rockets. Fewer have been compared with Thomas Edison or amassed Mr Musk's rock star-sized fan base.

None has sent a red electric sports car into orbit with a space-suited [dummy](#) in the driver's seat called Starman, as Mr Musk did in February. Or raised millions of dollars by selling [\\$500 flame-throwers](#). Or designed a gigantic rocket to go to Mars codenamed the BFR, short for "Big F...ing Rocket".

Like so many others, I have long found it hard to resist Mr Musk's exuberant approach to life. I was never convinced that he was motivated purely by a desire to tackle humanity's biggest problems. And yet, his Tesla electric cars and gigafactory battery plant have helped do that, spurring more traditional carmakers to hasten their plug-in plans.

I never much cared for his plans to colonise Mars either, but who could ignore his SpaceX company's reusable rocket [technology](#) and its promise to slash launch costs? Mr Musk's

hucksterish gift for self-publicity could grate, especially when a burst of tweets to his 22m Twitter followers seemed timed to distract from setbacks in his empire. But even this was forgivable for a man with so many undeniable achievements.

Yet, recently, something has shifted. As the billionaire has struggled to speed up production of Tesla's mass-market Model 3 car, his behaviour has noticeably soured.

In April, he described media [reports](#) questioning Tesla's safety record as the work of union-backed extremists. The following month Tesla shares slumped after a bizarre earnings call during which Mr Musk cut off an analyst trying to ask if the company needed to raise more money from investors, saying "boring bonehead questions are not cool". Then came his intervention in the global drama surrounding the 12 boys who were trapped in a flooded cave in Thailand last week.

Responding to a Twitter user, Mr Musk came up with the idea of building a "kid-sized submarine" to help in the rescue efforts. It ultimately was not needed and when the BBC reported a Thai official had said the equipment was "not practical with our mission", Mr Musk lashed out.

The official in question was "not the subject matter expert", he snapped in a tweet. "That would be Dick Stanton, who co-led the dive rescue team." Astonishingly, he then tried to prove his point by posting his email exchange with Mr Stanton, who had politely urged him to continue working on the capsule.

Perhaps Mr Stanton truly was grateful for his help and not merely fobbing off a powerful billionaire in the middle of a nightmarishly complex rescue mission. Either way, what had begun as an offer of help started to look more like a PR stunt from a meddling narcissist.

That is a shame, because it arms critics of a billionaire who can use his one-man-marketing machine prowess to far better effect. Last year he made a headline-grabbing bet on Twitter that if Tesla could not build a huge [battery in 100 days](#) in an Australian state plagued by blackout, he would deliver it for free. The world's biggest battery was duly powered up ahead of schedule in a country where coal-friendly federal politicians have ridiculed promising new energy technologies.

Another Muskian intervention saw crates of his battery packs shipped to Puerto Rico last year after Hurricane Maria left thousands of people without power.

In Thailand though, he misstepped. I hope there is no repeat. For all his over-promising and PR antics, Mr Musk remains broadly a force for good. One of his most appealing traits has been his cheerful embrace of failure. Witness the [bloopers reel](#) of spectacular SpaceX rocket blow-ups he released last year. SpaceX, of course, is no longer causing anything like the headache of Tesla's Model 3 production woes.

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Perhaps this turmoil will prove helpful. Mr Musk is sometimes compared with another tech genius: the late Apple co-founder Steve Jobs. A recent book suggests Jobs changed after leaving Apple in 1985 and suffering setbacks in his other ventures.

In *The Asshole Survival Guide*, Stanford professor, Robert Sutton, reports a conversation with Pixar's president, Ed Catmull, who worked closely with Jobs for many years. He said the Apple chief's wilderness years made him a more thoughtful and better leader, who returned to create the Apple success story we know.

The comparison only goes so far. Mr Musk is doing very different things to Jobs, or indeed anyone. And, as he [tweeted](#) last week to a critic: "If I am a narcissist (which might be true), at least I am a useful one."

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